

## POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters reported favorably.

Mr. McKELLAR. I ask that the nominations of postmasters favorably reported be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

## DISTRICT OF COLUMBIA WORKS PROJECTS ADMINISTRATOR—RECONSIDERATION

Mr. KING. Mr. President, may I inquire what committee favorably reported the nomination of Paul Edwards, of New York, to be Work Projects Administrator for the District of Columbia?

The PRESIDENT pro tempore. The Committee on Appropriations.

Mr. KING. I have just received some information which induces me to ask for a reconsideration of the vote by which the nomination was confirmed, and that action on the nomination be deferred until the next executive session of the Senate.

The PRESIDENT pro tempore. Without objection, the vote by which the nomination was confirmed will be reconsidered, and action on the nomination will be postponed until the next executive session of the Senate.

Mr. McKELLAR. Mr. President, I wish to make a statement concerning the nomination of Paul Edwards to be Work Projects Administrator for the District of Columbia. The subcommittee which investigated the matter and reported the nomination made an examination which I think was quite thorough, and obtained a report on all the questions asked. We believe the nominee is thoroughly qualified and fitted for the position. There was some suggestion concerning trouble between him and Representative BYRNS of my State. I talked with Representative BYRNS about it, and he told me that that matter had been entirely adjusted, and he was entirely satisfied with the nomination. Therefore, I will say to the Senator, the Appropriations Committee made a favorable report.

Mr. KING. I have no information other than an indirect message which was just received. I have no personal objection to Mr. Edwards. Indeed, I believe he is competent for the position. But in view of the information which I have received, I felt that perhaps it was my duty to ask that the nomination go over until the next executive session.

Mr. WAGNER. Mr. President, I do not wish to interfere with any further inquiries which may be made respecting Mr. Edwards. I am gratified to hear the Senator from Tennessee make the statement he has concerning Mr. Edwards. Mr. Edwards is a man of high character. I am informed that he has done his job thoroughly and well, and that he is industrious and reliable in all respects.

I do not want the postponement to be regarded as any kind of a reflection upon Mr. Edwards. If the Senator insists upon a postponement I shall not oppose it. However, I do not want to have the Senator form an impression upon mere rumor.

Mr. KING. Mr. President, so far as I know Mr. Edwards is very competent; and upon the information which I have I should vote for his confirmation. However, inasmuch as a resident of the District of Columbia has made a protest, I feel that it is my duty to ask that the nomination go over until tomorrow.

Mr. McKELLAR. Mr. President, I have no objection to the nomination going over until tomorrow. I do not know Mr. Edwards, but we were careful to have an independent investigation made by an impartial authority, in addition to hearing from those who employed him; and I am sure that the committee has reached a proper conclusion in recommending his nomination.

Mr. CHAVEZ. Mr. President, I shall not raise any objection to Mr. Edwards. All the information I have is to the effect that he is a very fine person. However, I think it is

about time that the people of the District of Columbia had their own appointees, without going to some other States to obtain the best man. It seems to me that it is a reflection on the people of the District of Columbia to go elsewhere to obtain what we call a good man. It seems to me that the people of the District of Columbia are suffering under enough handicaps by reason of having no voice in their own government, without having to go elsewhere, whether it be to New York or to New Mexico, to find an appointee to administer public business in the District of Columbia. The information I have is that Mr. Edwards is a first-class citizen and a very fine official.

Mr. WAGNER. I am very glad to have the Senator say so. I wish to assure the Senator that, to my knowledge, Mr. Edwards' appointment is in no sense a political appointment. He was chosen purely because of his unusual capacity to do this kind of work.

Mr. CHAVEZ. The point I am trying to make is that I, for one, would not like to feel that there is no one in the District of Columbia who could do the job as well as Mr. Edwards.

Mr. WAGNER. I have no information on that subject.

The PRESIDENT pro tempore. The nomination will be passed over until the next session.

That completes the calendar.

## RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 50 minutes p. m.) the Senate took a recess until tomorrow, Friday, February 9, 1940, at 12 o'clock meridian.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate February 8 (legislative day of February 7), 1940*

## POSTMASTERS

## LOUISIANA

Mrs. Willie B. Killgore, Lisbon.

## UTAH

William Brooks, St. George.

## WASHINGTON

Hannah L. Parker, Alderwood Manor.

## WYOMING

Hugh F. Graham, Newcastle.

## REJECTION

*Executive nomination rejected by the Senate February 8 (legislative day of February 7), 1940*

## POSTMASTER

## PENNSYLVANIA

Kathleen McT. Gregg to be postmaster at Greensburg in the State of Pennsylvania.

## HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 8, 1940

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. RAYBURN].

Rabbi Louis Wolsey, D. D., Congregation Rodeph Shalom, Philadelphia, Pa., offered the following prayer:

O Thou God of all the peoples of the world, in whose hands are the fate and the destiny of the children of men, and before whom all the families of the earth are as one brotherhood, we come to Thee to ask that Thy spirit may rest upon this Congress, that forth from this place may go those influences that shall make for justice and for freedom. Do Thou consecrate us, O God, unto freedom, that liberty to speak and to

do, not in whispers but loudly and with courage, to know and to think, to toil and to be rewarded, and to share with our neighbor and with our world. Dedicate this House, O God, to Thy Divine truths and Thy Divine laws, and when the nations stir up wrath against one another do Thou cause this great House to be an instrumentality for peace. Bless the Speaker of this House and restore him to health and to his responsibility. Bless all the officers of this great Nation that they may rule and guide in justice and in peace. And finally, O God, do Thou establish the work of their hands, yea, the work of their hands establish Thou it. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### THE LATE JOHN M. MOORE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. MANSFIELD].

Mr. MANSFIELD. Mr. Speaker, I have asked for this time for the purpose of announcing the death of a former distinguished Member of this House. On the 3d day of this month, John M. Moore, Sr., died at his home in Richmond, Tex., at the age of 77 years. He was a former member of the Texas Legislature, and from 1905 to 1913 represented the old Eighth Congressional District in Congress, the district at that time embracing the city of Houston, with adjoining counties, including Fort Bend in which Mr. Moore resided. After serving 8 years in Congress Mr. Moore voluntarily retired, although assured of reelection without an opponent. He preferred the atmosphere of his happy home life to that of politics. He also possessed large property interests to which he wished to devote his attention, consisting principally of banking, farming, and stock raising. Mr. Moore was a man of splendid ability and sterling qualities. His passing is a distinctive loss to his State and to the Nation.

#### SUPPLEMENTAL APPROPRIATIONS FOR MILITARY AND NAVAL ESTABLISHMENTS, COAST GUARD, AND FEDERAL BUREAU OF INVESTIGATION

Mr. WOODRUM of Virginia. Mr. Speaker, I call up the conference report on the bill (H. R. 7805) making supplemental appropriations for the Military and Naval Establishments, Coast Guard, and Federal Bureau of Investigation, for the fiscal year ending June 30, 1940, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7805) making supplemental appropriations for the Military and Naval Establishments, Coast Guard, and Federal Bureau of Investigation, for the fiscal year ending June 30, 1940, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, and 6.  
That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 8, 10, 11, 12, 13, 14, 15, 16, 17, 20, and 21, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$9,750,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$768,188"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of

the sum proposed insert "\$4,194,889"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2 and 9.

C. A. WOODRUM,  
CLARENCE CANNON,  
LOUIS LUBLOW,  
EMMETT O'NEAL,  
GEO. W. JOHNSON,  
JOHN TABER,  
R. B. WIGGLESWORTH,  
W. P. LAMBERTSON,

*Managers on the part of the House.*

ALVA B. ADAMS,  
CARTER GLASS,  
KENNETH MCKELLAR,  
CARL HAYDEN,  
JAMES F. BYRNES,  
FREDERICK HALE,  
JOHN G. TOWNSEND, Jr.,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7805) "Making supplemental appropriations for the Military and Naval Establishments, Coast Guard, and Federal Bureau of Investigation, for the fiscal year ending June 30, 1940, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On Nos. 1, 3, 4, 5, 6, 7, and 8, relating to the Military Establishment: Appropriates \$15,000,000 for field exercises of the Army as proposed by the Senate instead of \$18,000,000 as proposed by the House; provides, as proposed by the Senate, for an alternate officer to be designated by the Secretary of War to approve claims for damages growing out of operations in connection with field exercises of the Army appropriated for in the bill; appropriates \$21,962,564 as proposed by the Senate instead of \$22,962,564 as proposed by the House for Army transportation; restores the House provision, stricken out by the Senate, appropriating \$200,000 for the acquisition of land in Puerto Rico for the establishment of a general depot, etc.; appropriates \$9,750,000, instead of \$9,500,000 as proposed by the Senate and \$10,000,000 as proposed by the House, for barracks and quarters and other utilities; and inserts the provision, proposed by the Senate, limiting to 4 cents the mileage allowance to members of the Officers' Reserve Corps when called into active service training for 30 days or less.

On Nos. 10 to 14, inclusive, relating to the Navy: Appropriates \$18,363,000 for the Bureau of Engineering as proposed by the Senate instead of \$18,818,000 as proposed by the House; appropriates \$14,969,000 as proposed by the Senate for the Bureau of Construction and Repair instead of \$15,514,000 as proposed by the House; appropriates \$30,260,000 as proposed by the Senate for the Bureau of Ordnance instead of \$31,060,000 as proposed by the House; makes provision, as proposed by the Senate, in the appropriation "Maintenance, Bureau of Yards and Docks" for the purchase of four motor-propelled passenger-carrying vehicles at a cost not to exceed \$600 each; and appropriates \$28,661,000 as proposed by the Senate instead of \$34,736,000 as proposed by the House for the Bureau of Aeronautics.

On Nos. 15 to 19, inclusive, relating to the Coast Guard: Appropriates \$43,701 as proposed by the Senate instead of \$45,990 as proposed by the House for salaries in the Commandant's Office; appropriates \$2,263,000 as proposed by the Senate instead of \$2,288,000 as proposed by the House for pay and allowances; appropriates \$250,000 as proposed by the Senate instead of \$300,000 as proposed by the House for fuel and water; and appropriates \$768,188 for outfits, instead of \$836,375 as proposed by the House and \$700,000 as proposed by the Senate.

On Nos. 20 and 21: Inserts the paragraph proposed by the Senate authorizing not to exceed \$11,000,000 of the funds appropriated for parity payments for the fiscal year 1940 to be used for the purpose of making payments (parity payments) under the Price Adjustment Act of 1938. In approving this provision the conferees expect that the sum remaining to the Department of Agriculture in the 1940 appropriation, after the use of the \$11,000,000, or such part thereof as may be necessary to care for the shortage anticipated in the 1939 appropriation for parity payments, will be so administered that it will be sufficient to cover all parity-payment operations for the crop year for which the 1940 appropriation was intended.

The committee of conference report in disagreement the following amendments:

On No. 2: Permitting the War Department, in connection with the appropriation in the bill for field exercises of the Army, to make advance payments for the rental of land or the purchase of options to rent lands.



On No. 9: Permitting Col. Philip B. Fleming, a commissioned officer on the active list of the United States Army, to hold the Office of Administrator of the Wage and Hour Division of the Department of Labor.

C. A. WOODRUM,  
CLARENCE CANNON,  
LOUIS LUDLOW,  
EMMET O'NEAL,  
GEO. W. JOHNSON,  
JOHN TABER,  
R. B. WIGGLESWORTH,  
W. P. LAMBERTSON,

*Managers on the part of the House.*

Mr. WOODRUM of Virginia. Mr. Speaker, the conference report is a complete report with the exception of two amendments that have to be voted on because they contain legislation, but about which I do not believe there is any serious controversy. The total amount of the bill as it passed the Senate was \$251,822,588. The conference report as it stands and as it will become law if approved by the House is \$19,658,747 below Budget estimates, the principal reductions being made in some curtailments of the maneuvers of the Army and of the Navy and the Coast Guard.

I do not believe, Mr. Speaker, there is anything of a controversial nature in this report. Unless someone wishes to ask me a question, I shall yield to the gentleman from New York.

Mr. THOMASON. Mr. Speaker, will the gentleman yield? Mr. WOODRUM of Virginia. I yield to the gentleman from Texas.

Mr. THOMASON. What land purchases are now left in the bill?

Mr. WOODRUM of Virginia. The purchase of some land in Puerto Rico for a depot and barracks.

Mr. TABER. There is also one in Idaho.

Mr. WOODRUM of Virginia. One in Idaho; yes.

Mr. THOMASON. What about the item that was in the bill as it passed the House about the purchase of some land I believe in the Mojave Desert?

Mr. WOODRUM of Virginia. There was nothing in the bill of that kind, I may say to the gentleman, that I know of; not in this bill.

Mr. THOMASON. My recollection is that there was something about the purchase of some land in the Mojave Desert for antiaircraft practice. I believe the gentleman will find something in the bill of that character. It was some very cheap land in California adjoining some public land.

Mr. WOODRUM of Virginia. I will check up on it.

Mr. THOMASON. I was curious about what happened to that item. I am interested in the policy of the committee regarding the purchase of more land at some of our more important posts.

Mr. O'NEAL. If the gentleman will yield, there were only two such provisions—for McChord Field, Wash., \$200,000, and Hamilton Field, Calif., \$150,000. That is all that was in the bill.

Mr. WOODRUM of Virginia. That is all that was in the bill. There were some other items that were discussed before the committee but were not brought in by the committee.

Mr. THOMASON. Perhaps I am mistaken, but I thought the bill included the purchase of land in the Mojave Desert in connection with some of the antiaircraft activities in California. Some more land is much needed adjoining Fort Bliss. The War Department has urged its purchase. I hope the Appropriations Committee will soon give it favorable consideration.

Mr. TABER. That might be the Mojave Desert; I do not know.

Mr. THOMASON. This may be in connection with the Hamilton Field purchase, however.

Mr. WOODRUM of Virginia. It may be.

Mr. THOMASON. If the gentleman will yield further, will the gentleman give us a little more detail about amendment No. 2, permitting the War Department, in connection with the appropriation in the bill for field exercises of the Army, to make advance payments for the rental of land or the purchase of options to rent land?

Mr. WOODRUM of Virginia. As I recall, they stated that their maneuvers would be very much facilitated if they could go in and make small advance payments of that character.

Mr. THOMASON. They are not permitted under the law now to buy options for the rental of land?

Mr. WOODRUM of Virginia. They are not. They have frequently found themselves in a hole on account of not being able to deal with landowners.

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. What is the total amount recommended in the conference report as compared with the amount in the bill as it passed the House?

Mr. WOODRUM of Virginia. It is \$12,270,000 less than the amount in the bill as it passed the House.

Mr. LEWIS of Colorado. Do I correctly understand that the Senate actually reduced the total amount below the total as passed by the House?

Mr. WOODRUM of Virginia. Yes.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Pennsylvania.

Mr. RICH. Is not this about the first reduction we have had in an appropriation bill that has gone to the Senate and come back to the House for about 5 or 6 years?

Mr. WOODRUM of Virginia. I may say to the gentleman there is every evidence of the fact that Congress is going to curtail public expenditures.

Mr. RICH. We congratulate the Senate on that procedure.

Mr. WOODRUM of Virginia. The gentleman will realize, of course, that this is very early in the session. We must not start congratulating too soon.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, I am pleased, as I am sure the gentleman from Virginia is pleased, at the reductions the Senate has made in this bill.

Mr. MAY. Surprised, the gentleman means, perhaps.

Mr. TABER. I do not know whether I am surprised or not. I believe the Senate has begun to hear from the country and is beginning to realize, just as more of the Members of the House are beginning to realize, that the ruthless expenditure of the people's money is not as popular with the people as they thought it was a year or two ago. I believe this is the reason we are getting proper results out of the Senate.

I now want to talk for just a minute about amendments 20 and 21. These two amendments provide for a transfer out of the 1940 fund for parity payments to the 1939 funds for parity payments to cover a deficit of \$11,000,000 which the Secretary of Agriculture, as I understand it, illegally incurred in the 1939 funds by promising to pay to the farmers \$11,000,000 more than was appropriated to them for parity payments. This reduces the amount that will be available for parity payments in the crop that is either now planted or will be planted this spring.

We have made a statement in our report about that, and I am going to read it, because I want to call attention to it a little more emphatically than just a reading of the report in the RECORD would accomplish.

We anticipate that the appropriation for 1940 will be so administered that it will be sufficient to cover all parity-payment operations for the crop year for which the 1940 appropriation was intended.

It is a dangerous thing for a department to incur a deficiency. It puts the Congress and the department in an untenable position, and greater care must be exercised by the departments to avoid this kind of a situation. We are having more than double the amount of deficiency estimates that we ought to have, and I hope that there will be greater care on the part of the departments in keeping their operations down to what the Congress has provided. This will result in avoiding a great many more of these deficiency items in the future. [Applause.]

Mr. WOODRUM of Virginia. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 2: Page 4, line 9, strike out the word "units" and the comma and insert "units; for rental of land or purchase of options to rent land without reference to section 3648 of the Revised Statutes; for the use or repair of private property."

Mr. WOODRUM of Virginia. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 14, line 16, insert a new section, as follows:

"Sec. 3. Notwithstanding the provisions of section 1222 of the Revised Statutes (U. S. C., title 10, sec. 576), Philip B. Fleming, a commissioned officer on the active list, United States Army, is authorized to hold the office of Administrator of the Wage and Hour Division in the Department of Labor without loss of or prejudice to his status as a commissioned officer on the active list of the United States Army, and if appointed to such civil office he shall receive in addition to his pay and allowances as such commissioned officer an amount equal to the difference between such pay and allowances as such commissioned officer and the salary prescribed by law for such civil office."

Mr. WOODRUM of Virginia. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. WOODRUM of Virginia, a motion to reconsider the votes by which action was taken on the several motions, was laid on the table.

#### DISTRICT COURT OF THE UNITED STATES FOR PUERTO RICO

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4532) to make effective in the District of Court of the United States for Puerto Rico rules promulgated by the Supreme Court of the United States governing pleading, practice, and procedure in the district courts of the United States, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, after line 8, insert:

"Sec. 2. This act shall become effective March 1, 1940."

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a brief article from the Maritime Exchange Bulletin.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a radio address of Howard Hunter.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CRAVENS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD; also, another request, to revise and extend my own remarks and include an editorial from the Times-Record of Fort Smith, Ark., dealing with the question of electric cooperative associations in Arkansas.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ALLEN of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include an editorial by Kenneth A. Reid, the conservation director of the Izaak Walton League.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### MIMEOGRAPHED PUBLICATIONS BY LIBRARY OF CONGRESS

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, I do this to call the attention of the House to the mimeographed sheets published by the Library of Congress called The Day in Congress. It purports to give the summary of the matters that happen in the Senate and in the House, calling attention to the bills, and so forth, that have been introduced. If there is anything that is pure duplication and a waste of Government money, this is it. If the Printing Committee had power to stop this, I am sure it would do so; but some other service of the Government, it seems to me, ought to take recognition of this fact and stop a great many of these mimeographed publications that are coming not only from the Library of Congress but from other departments and branches of the Government. They are worthless expenditures of the taxpayers' money. It seems to me that the executive branch of the Government or some other branch ought to take some recognition of these facts and stop the waste and extravagance that is going on in the departments of government. Mr. Speaker, where are you going to get the money for such extravagance? Who pays the bills? The American taxpayer is just about tired of useless extravagances of administration and of useless publications. Let us stop it.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I find myself in full agreement with the gentleman from Pennsylvania [Mr. RICH] as to the advisability of discontinuing this publication. The clerk of the Committee on Expenditures in the Executive Departments, of which I am chairman, called this matter to my attention the other day, and also advised me a man had called at the office and said that it would be possible to have 50 or 100 copies of the mimeographed sheets sent to my constituents, if I so desired. It seems that this individual was going from door to door, soliciting names for a mailing list.

While the Committee on Expenditures in the Executive Departments has no jurisdiction over the Library of Congress, nevertheless, I called up the Librarian and told him that I thought this was a waste of public funds, and if every Member of Congress accepted 100 copies for his or her constituents it would mean 50,000 copies a day. Like the gentleman from Pennsylvania, I think that the CONGRESSIONAL RECORD is sufficient. This digest is not necessary. It is brief; it does not go into details of what Congress is doing as much as does the Journal. The Librarian of Congress promised me that he would look into the matter thoroughly, and he also stated he never heard that any official or employee of the Library was visiting the offices of Members. The Librarian made it plain he did not approve of an employee or official soliciting names for mailing lists, and I am positive that will be discontinued at once.

If this digest is to be continued, it will require funds for personnel, paper, and ink, as well as be an additional charge against the Government for franked mail. As the practice of issuing the digest has just commenced, it should be stopped in the morning, and I hope the Librarian will discontinue it.

#### AMERICAN YOUTH CONGRESS

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PIERCE. Mr. Speaker, I was amazed, chagrined, and embarrassed yesterday to find myself sitting as a Member of this body during criticism of the wife of the President. This attack was based upon a news story appearing in the morning paper. I could scarcely refrain from making an immediate reply, but it appeared to me that I might better serve the cause of good government and tolerance by refraining from comment until I could read the remarks of my colleague from



Wisconsin. I sincerely hoped that when I saw his words in print they would seem less critical, and I am now pleased to find that it might have been the manner rather than the matter which so distressed me. I must, however, say clearly that a wrong interpretation of events was given, and facts were not correctly stated.

I greatly regret this criticism, because I believe Mrs. Roosevelt is entirely devoted to the public good. I also believe that she has the balance and judgment which would have made it impossible for her to advise young people to do anything contrary to the highest principles of citizenship. I am, however, replying to the statement of my colleague, not only because of my great admiration for the character, ability, and self-sacrificing activity of Mrs. Roosevelt, but also because I was present at the White House meeting between Members of Congress and the representatives of the American Youth Congress. I understood that there were no reporters present, so I was astonished at the report in the press which purported to quote verbatim at least one member of the conference. I assume that the person who gave out the proceedings relied entirely upon his memory and will now most certainly assume full responsibility for any misunderstanding which may arise. If he does so, Mrs. Roosevelt will be entirely exonerated and acquitted of making any remarks commendatory of communism or of the Communist organization. Not one word in support of communism was spoken by anyone at that meeting.

Since I accepted the invitation to attend the White House conference, I do not feel at liberty to act as its reporter, nor do I seek the type of publicity which follows upon any such statement. I do desire, in the interests of tolerance and for the protection of youth, as well as to correct any implied injustice to a great citizen, to make some remarks about the situation which occasioned the outburst and the press report.

Why all this pother? No one claims that the American Youth Congress is a communistic organization nor Communist-controlled. Its purposes and objectives are apparently quite otherwise, and its record is entirely open for consideration by the public. The question of communism arose only in discussion of the expediency of expelling or retaining within the membership of the congress one affiliated group of young Communists. The officers of the congress wisely sought counsel on this matter. No one told them what to do. Their friends were concerned only to study all phases of the problem and to help to clarify it by suggestion and discussion. Certainly, Mrs. Roosevelt appeared to be motivated solely by the desire to have Members of Congress express themselves fully for the benefit of the young people. There was no debate on the merits or demerits of communism. That charge is only a peg on which to hang unfair attacks.

Far more important than any discussion of communism is that youth and age find it possible to work together with tolerance and forbearance. I imagine that any shortcomings among neglected youth may be directly chargeable to the break-down of our economic system. I also think the Communist group might be perfectly willing to pull out and shift for themselves. Is it not better for them and for us all that the Youth Congress should not advocate expulsion and raise barriers against opinions held by idealistic youth? We all know what age and experience does to mellow men and, alas, often to destroy youthful illusions. Why not trust to "the universal solvent of time" and to happier circumstances to form their minds into different molds?

Through the ages the Christian church has sought to gather in the sinners—never to cast them out. Those who think communism a sin and a menace should strive to dispel it rather than strengthen it by the persecution which unites with bonds stronger than steel. The magic of "together" and the gospel of sharing will accomplish wonders. Those in this Congress know it is not the American way to herd dissenters into concentration camps—the next step after casting them out.

My only suggestion to the officers of the Youth Congress was that they satisfy themselves that the young Communist group is really American in sympathy, and not controlled and directed by any government from across the seas.

Very soon most of us now in this House will be out of the picture. Another generation will be in these places formulating policies for our national life. I pray they may find a way for fuller participation for all in the marvelous opportunity and abundance enjoyed now by the privileged few. I pray that we may now and always be so tolerant and so wise that they will look back upon us as builders of a better society. I pray that we and they may never fear to pioneer on new economic and political frontiers made safe by the solid back country of our forefathers.

For them the shade of trees that now we plant,  
The safe, smooth journey and the final goal.  
And yet the road is ours as never theirs!  
Is not one joy on us alone bestowed?  
For us the master joy, O pioneers—  
We shall not travel, but we make the road.

I am deeply sympathetic with youth today coming to earning age in a jobless society. I do not wonder that they meet in congresses. May success crown their efforts to make conditions more satisfactory. Their elders have done little enough in the 10 years since the break came. No one has been more helpful and kindly to the many needing sympathy and guidance than has our President's wife. I am thankful that there is an American Youth Congress preparing for the responsible duties of citizenship. I wish to put no obstacles in their way. It is not so important what we think of them. I just wonder what they think of us as they look about a world in ruins—two-thirds of all the people involved in war, and here in peaceful America millions hungry, miserable and hopeless. Other millions of people in lands across the seas who formerly lived under liberal governments, where they had determining voices in public affairs, have accepted totalitarian governments as a possible relief for misery in lieu of continued privation. Just what kind of an accounting can we give of our stewardship?

We cannot perpetuate our prejudices; only the people can change the Constitution. We can, however, correct some of our mistakes. I would certainly be surprised to learn that there is any general agreement that this body, or even the Senate, is always right—away wise. I have never encountered anyone who harbored such a sentiment. Let us then allow our successors a few marks below passing grade, even if we feel called upon to regulate them. It seems strange that in an American Congress it should be pertinent to remind Members that our capacity to reflect, observe, and study, and to use our minds leads some to accept one political philosophy quite foreign to others. Who constituted anyone in this free system the judge of other men's opinions.

We have, indeed, fallen upon unfortunate times when political adversaries attempt to besmirch character, and the highest character at that, by using the label of "Communist." It is not new. Such damaging and dastardly attacks have undoubtedly been made feasible and popular by the conduct of some congressional investigations into un-American activities. I do not believe it is a wholesome sign of a healthy political situation when citizens besmear each other with labels intended to convey the idea that those who do not agree with one particular philosophy of government are necessarily antisocial and destructive in their attitude toward our country. I deplore the use of the demagogic trick of calling a person a Communist when it becomes impossible to present reasoned arguments against his course or opinions.

I offer no apology for the Communists; I am in no way connected with them and have no sympathy for their point of view nor for their philosophy. I believe that many who have hoped to bring about the millennium through communism have found themselves disillusioned by recent occurrences, and by the break-down of what seemed to promise a better day for the Russian peasantry which had suffered so greatly under czarism. The tragedy of life in Russia under the old system was so poignant that the new plan appealed to people throughout the world who hailed with enthusiasm and hope the advent of a new order in that country. That the promise has been unfulfilled, and the hope blighted is known to people everywhere.

Communism as a philosophy and a basis for a political party existed before Russia undertook her experiment. Be-

fore the application of communism to government in Russia, we generally thought of it as "the belief in the desirability of social control of material life, including the social ownership of property." Those adhering to the doctrine gradually came to advocate the complete overthrow of capitalism.

People of these United States have prospered greatly under the capitalistic system. Some of those who have not enjoyed that prosperity, and some students of our economic and political history, have now come to question whether the capitalistic system can endure because of the terrific strain which has been put upon it during the past few years. Such strain is usually the outcome of war or other calamity, and under it people of European nations have surrendered rights and privileges which seem to our people essential to any good government.

Here in America, a new land fortunately free from many of the traditions and economic uncertainties of the Old World, the constant effort of our Congress has been to stabilize and preserve the capitalistic system. My colleagues on this floor all realize that we have not succeeded entirely and that it will require a tremendous and long-sustained effort to recapture the happy circumstances under which we spent our youth when we looked forward with certainty and assurance to business and professional activities. We have millions of people without jobs. They tell us that out of these twelve or thirteen millions of unemployed there are six or seven millions of young people for whom the immediate outlook is difficult if not hopeless. Very naturally those foreign agents who would destroy confidence in our ability to right our economic order have gained the attention of this jobless group. Some of them have been led to believe that another system would offer more opportunity. I am not able to learn that there are large numbers among us who have embraced the communistic theory.

The Communists, as a political party, are, under our laws, entitled to place candidates for public office on the ballot. Just recently citizens of New York have been given an opportunity to express themselves on a Communist candidate for Congress. The returns on that election do not seem to indicate that there is any danger that the people of New York City will seek the Communist solution for their problems. It is not a crime to be a Communist; they are explicitly recognized as one of the political parties entitled to candidates and appeal for support under our system of government. Even our civil service cannot legally ban Communists from Government employment. I quote from a recent press statement credited to a Government official:

We have been advised with regard to Communists that unless we could find something other than their communistic beliefs or tendencies, we must accept them.

To me it seems preposterous that in a country like ours, where there is free speech and general ownership of property, communism could really take root. It is, however, an era of fear and name-calling. So the label of "Communist" has become almost the worst which could be attached to any person in our society. As we seek to strengthen our Republic we need most to fear all the manifestations of lack of integrity among our people; the willingness to surrender free institutions for bread; and the greed which reaches out to corrupt and control government in Nation, in States, and their political units. Yes, I fear fascism, nazi-ism, and political corruption just as I fear and deplore communism; all are un-American. I believe the best preventive to be economic justice and decency in public life.

My impression, from listening to the discussion between the young people and the Congressmen, was that it was suggested that the one group of Communists affiliated with the American Youth Congress might possibly be greatly benefited by the attitude and activities of that organization of young people, and that it might be better for us all if they were not made outcasts because of political belief; better if they were not made bitter and resentful, as they would probably be if they were not allowed to continue their association with young people of other aims and devoted to other methods of reaching the goal of human happiness through government. I heard these young people who were

arranging the citizenship conference argue brilliantly, forcefully, and effectively for their program. I later heard it suggested by responsible citizens that, as long as the Communist Party is a legally recognized party entitled to a place on the ballot and to seats in this Congress, it might be too much to expect that a group of young people should initiate the movement to outlaw the Communist Party from membership in an association of young people. How can any man who has not proposed an amendment to the Constitution excluding Communists from the ballot and from the floor of this House call upon young people to ban into the wilderness of resentment this group of their associates who are guilty of no crime under our statutes?

It seems to me that if this larger youth group can shed sweetness and light upon those who are so greatly feared by some Members of this House, it will be better to allow them to do so. Dissenters are always a challenge to the majority in any group; association with other young thinkers may gradually dissolve communistic tendencies of malcontents. No one seems to have the slightest fear that the Communists would dominate the American Youth Congress. It is a minor matter, and is not, I think, considered of paramount importance to those who are interested in the welfare of the young people or in the welfare of the country. The very fact that Congressmen were called in to advise these young people indicates that there is nothing to fear, that they are willing to conduct their organization in the full light of day, and that they desire public approval and cooperation.

I believe that age has a duty to youth, and I believe the Members of this House have it within their hands to stay the march of any evil forces which are threatening our body politic. I do not believe it should be left entirely to young people to accomplish this. I do not believe that the cure of our evils lies in the restriction of civil and political liberties nor in the suppression of free speech. Our young people have a just grievance against our economic system because they are jobless. If they are willing to work with us and we are willing to work with them we may arrive at a solution of our most serious problem—unemployment.

Heaven help our country if it ever becomes a crime to hold any particular political or religious belief or opinions. It used to be our habit to accept lightly the mention of communism; our inherent beliefs had not then been shaken by disturbing economic changes. For years the press of this country mentioned in slightly debunking terms the 5-year plan in Russia. Now the tragic results in Russia and the discontent and unrest following continued unemployment here combine to make us more fearful of some of the suggested political remedies for our economic disease. This is an age of enlightenment in which intelligent leaders seek to be fully informed on matters affecting human relationships. It would seem a sad commentary on our civilization to have logic and reason abandoned and an alarmist campaign against one small political group substituted for orderly processes.

I have, during all my mature life, been connected with young people, first as a teacher, and for many years as a member of the Board of Regents in my home State. I am interested in trying to help them. I do not consider it helpful to have their opinions attacked and flaunted on the floor of this House. I believe there should be tolerance of youthful ideologies. It is my understanding that the aims of the Youth Congress are generally commendable. Let us help them by wise counsel; let us not embitter them by attacking them, even when they are mistaken. Let us give them an example and engender faith in our American institutions. Let us retain their confidence in legislative bodies and in democratic processes.

I commend to the attention of those who are so scornful of youth a most beautiful essay by Robert Louis Stevenson, *The Lantern Bearers*. In that essay he tells about the boys in an English village who, following the traditions of their forbears, went out on a certain night each year with lighted lanterns buckled around their waists. Over each lighted lantern there was tightly buttoned a topcoat concealing the bull's-eye from the public. These boys, upon meeting each other, inquired,



"Have you got your lantern?" No one pretended to know what the other one was carrying until the coat was unbuttoned and the bull's-eye disclosed. These boys gathered together in abandoned boats and there discussed the problems of man and nature. Stevenson says of them:

The essence of this bliss was to walk by yourself in the black night; the slide shut, the topcoat buttoned; not a ray escaping, whether to conduct your footsteps or to make your glory public; a mere pillar of darkness in the dark; and all the while, deep down in the privacy of your fool's heart, to know you had a bull's-eye at your belt, and to exult and sing over the knowledge.

Now, I take it that these young people who have sacrificed so much for their organization, the American Youth Congress, have a golden chamber at the heart of it, and there they dwell delighted, and dark as their pathway may seem to the observer, each has a bull's-eye at his belt. I rejoice that they have cherished purposes, and I rejoice that they are eager to share their ideas with those less fortunate, and, possibly, less stable in their political judgments.

Stevenson says:

There is one fable that touches very near to the quick of life. The fable of the monk who passed into the woods, heard a bird break into song; hearkened for a trill or two, and found himself on his return a stranger at his convent gates.

I believe the young Communists, joining with the American Youth Congress, will hear that song, will see that light, and will return finding themselves strangers to any system contrary to American ideals.

#### TRANSFER OF PARITY FUNDS

Mr. PACE. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PACE. Mr. Speaker, I do not feel that the criticism of the Secretary of Agriculture and the Department of Agriculture by the gentleman from New York [Mr. TABER] in connection with the transfer of parity funds is at all justified. A few moments ago he took them to task for permitting what he termed a deficit of \$11,000,000 in the 1939 parity funds. What are the facts?

In 1938 this Congress appropriated \$212,000,000 for parity payments in 1939 to the producers of the five basic crops—cotton, corn, wheat, rice, and tobacco. These payments could be made only to those producers who cooperated in the 1939 farm program. As the parity payments to wheat producers are made in the spring of the year, it is always necessary for the Secretary of Agriculture to calculate the amount of money to be allotted to each of these crops and the payment to be made to each producer in the early part of the year. For instance, last year the Department began making parity payments to the winter-wheat producers on March 27, 1939. As an estimate must be set up for each crop before payments can be made to any producers, it was therefore necessary for the Secretary of Agriculture to determine as best he could before these wheat payments were made the amount of money to be allotted to each of the aforementioned crops and the individual payments to be made. I understand that his calculations were made and completed on February 14, 1939. You will readily see that this was long before any cotton, corn, or tobacco had even been planted.

Therefore the calculations made by the Secretary can be nothing more than his best estimate, based upon past experience. The reason why there is a shortage of funds for 1939 is because the compliance by the farmers with the program in 1939 was much greater than it had ever been before, and therefore the past experience was not an accurate factor. For instance, in setting up his estimates, the Secretary estimated that 73½ percent of the corn producers would cooperate in the program, but after the crop had been planted and checked it was found that 79 percent of the producers had cooperated in the program. Likewise, on the basis of past years, the Secretary estimated that 86 percent of the cotton producers would cooperate in the program, but when their crops were checked in June and July, and some as late as August, it was found that 96 percent of the cotton producers had cooperated in the program.

At that time the wheat farmers had already received their parity money and definite promises had been made to the cotton and corn producers, and it was impossible to change the calculation.

In order that you might determine the fairness of the criticism of the gentleman from New York, I wish to call your attention to the fact that I never heard one word of praise from him of the Department of Agriculture in the past years when the Secretary overestimated the amount needed and turned back into the Treasury nearly 20 times as much as the present shortage. In 1935 Congress appropriated \$43,000,000 for cotton price-adjustment payments, and of that sum only \$39,751,000 was paid out and \$3,249,000 was turned back into the Treasury. In 1937, \$130,000,000 was appropriated for cotton price-adjustment payments, of which only \$122,151,000 was paid out and \$7,849,000 was turned back into the Treasury. In 1936, \$440,000,000 was appropriated for soil-conservation payments, of which only \$393,500,000 was paid out and \$46,500,000 was turned back into the Treasury. In 1937, \$500,000,000 was appropriated for soil-conservation payments, of which only \$360,000,000 was paid to the farmers and \$140,000,000 left in the Treasury. This shows that for the 3 years—1935, 1936, and 1937—a total of \$197,598,000 which had been appropriated for benefit and parity payments to the farmers, but was not received by them, was retained in the United States Treasury. Certainly it is not becoming of anyone to criticize the present shortage of around \$11,000,000 in view of the enormous amount of overage in past years.

I call your attention to the fact that this is not an appropriation of \$11,000,000; it does not call for one extra penny out of the United States Treasury, but simply provides that of the \$225,000,000 appropriated for parity payments in 1940, \$11,000,000 may be used to complete the payments for 1939.

This \$11,000,000 is not to go to any particular State or to any particular section. The shortage exists in 42 of the 48 States, and I call your attention to the fact that the greatest amount of shortage is in the State of Illinois, amounting to \$1,284,000.

Here is the list of the States and the amount needed to complete the payments in each State:

Amount needed to complete payments	
Alabama	\$410,480
Arizona	28,000
Arkansas	788,500
California	72,000
Colorado	35,000
Delaware	237
Florida	17,000
Georgia	499,850
Idaho	89,000
Illinois	1,284,000
Indiana	290,000
Iowa	554,800
Kansas	137,000
Kentucky	61,573
Louisiana	378,000
Maryland	40,411
Michigan	13,000
Minnesota	100,000
Mississippi	500,000
Missouri	360,000
Montana	347,000
Nebraska	13,000
Nevada	1,000
New Jersey	123
New Mexico	3,000
New York	1,060
North Carolina	672,984
North Dakota	450,000
Ohio	468,000
Oklahoma	550,000
Oregon	12,000
Pennsylvania	1,544
South Carolina	301,500
South Dakota	20,200
Tennessee	229,712
Texas	793,000
Utah	15,000
Virginia	16,482
Washington	5,000
West Virginia	600
Wisconsin	61,000
Wyoming	11,000
Insular Division	2,000
Grand total	9,634,056

## PERMISSION TO SIT DURING SESSIONS OF HOUSE

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent that the subcommittee of the House District Committee on Public Health, Hospitals, and Charities be permitted to sit tomorrow afternoon for an important hearing, if the House is in session.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

## EXTENSION OF REMARKS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a letter regarding the Federal monetary system.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a partial list of the organizations endorsing and supporting H. R. 7971.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a short article from the Portland Oregonian of February 3.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

## THE CATTLE AND DAIRY INDUSTRY OF THE NORTH

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CURTIS. Mr. Speaker, I rise in defense of the cattle and dairy industry of the North and of the sturdy Americans who live in that territory.

Yesterday at the other end of the Capitol, the senior Senator from South Carolina made a sharp and vigorous charge against the people in that district. Among other things he said:

You have tried to keep us from going into the cattle business, but I invite you to come up into our section and see what we are doing. Up in your God-forsaken part of the country you have to protect your cows and feed them for about 6 months of the year.

The Senator further said:

I am speaking of all of that section south of the Mason-Dixon line and not of the section up in the frozen, God-forsaken part of the country above us where there is from 6 to 8 months of ungodly cold weather, where people shiver and have to take from us in order to live at all. If it had not been for the protective tariff, that would have been, if not a wilderness, at least a semiwilderness and a semi-desert.

Now, that sort of argument may sound all right down in the State from which the Senator comes, but it does not sound good in Nebraska. I am informed by the United States Statistical Record that, according to the last census, the Senator's State had an illiteracy rate of 14.9 percent of children of 10 years of age and over, while in the State of Nebraska we have the lowest of all the States of 1.2 percent. This low rate of illiteracy may be one of the reasons why the people of Nebraska raise good cattle and know good beefsteak and know the value and true worth of the fine, pure dairy products that come from the great northern States.

It may also have a bearing on why the Senator from South Carolina voted against the great cattle and dairy industries of our country when the Reciprocal Trade Agreements Act was passed in the year 1934. And why that same Senator yesterday voted in favor of an amendment which would permit the use of butter substitutes and oleomargarine in our veterans' hospitals.

I want to say to this Congress and to the whole world that if they want to get a glimpse of the more abundant life, which the New Deal promised us and we did not get, just set yourselves down before a good, choice, prime Nebraska beefsteak and enjoy it.

By what token or right does the Senator from South Carolina have to say that the people from the North have to take from them in order to live at all? The fact is that the payments from the United States Treasury constitute 18 percent of the total farm income of the Senator's State, which is a much greater percentage than the great territory about which he speaks.

The Senator concludes his speech by talking about patriots. The Senator knows what the violation of the two-term precedent would mean to the very foundations of our Republic. He knows that such a thing is un-American and out of place in our scheme of things, yet I challenge him to carry his State for the opposition party when that crucial test comes up next November. [Applause.]

## EXTENSION OF REMARKS

Mr. MILLER. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. THORKELOSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include excerpts from a paper entitled "Action."

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

## AMERICAN YOUTH CONGRESS

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. KEEFE. Mr. Speaker, I feel constrained to say just a word in response to the remarks of my beloved friend the gentleman from Oregon, Governor PIERCE.

The Washington press carried stories recently in reference to the White House conference on activities of the American Youth Congress, which was held at the invitation of Mrs. Roosevelt.

It is interesting to note that 27 Democratic Members of the House were invited to attend this conference. It is exceedingly interesting to note that of the 27 House Members invited, 16 of the 21 Members who voted against the resolution continuing the Dies committee were invited. Of the remaining 11, 2 were members of the Dies committee, namely, the gentleman from Massachusetts, Representative CASEY, and the gentleman from California, Representative VOORHIS. Of the remaining 9, the gentleman from Pennsylvania, Representative SACKS, was listed as an invitee, but he was not recorded as voting on the Dies resolution. The remaining 8 were the majority leader, Mr. RAYBURN, the gentleman from Kansas, Representative HOUSTON, the gentleman from Oklahoma, Representative ROGERS, the gentleman from Georgia, Representative TARVER, the gentleman from West Virginia, Representative JOHNSON, the gentleman from Alabama, Representative PATRICK, the gentlewoman from New Jersey, Representative NORTON, and the gentleman from Pennsylvania, Representative EBERHARTER.

It was indeed proper that the gentleman from Texas, Mr. RAYBURN, be invited and I can suspect that the reason my colleague the gentleman from Kansas, Mr. HOUSTON, and the gentleman from Georgia, Mr. TARVER, were invited was because they are members of the subcommittee of the Appropriations Committee in charge of N. Y. A. and C. C. C. appropriations. I can also understand why the gentleman from Oklahoma, Representative ROGERS, was invited, as he has been an outspoken friend of the N. Y. A. and the National Youth movement. The gentleman from West Virginia, Representative JOHNSON, is a member of the Appropriations Committee.

This leaves three Members unaccounted for, namely the gentlewoman from New Jersey, Mrs. NORTON, the gentleman from Alabama, Mr. PATRICK, and the gentleman from Pennsylvania, Mr. EBERHARTER. At least one of these three does not understand himself how he got to be invited.

I believe it is to the everlasting credit of the Senators and Representatives who were invited to this meeting that, with



the exception of the gentleman from New York [Mr. MARC-ANTONIO], those who did express themselves at this meeting, I know authoritatively, went on record definitely against the infiltration of the Young Communist League into the American Youth Congress.

I regret that the newspapers carry the story that the First Lady of the land defends the rights of Communists in the American Youth Congress. [Applause.]

Mr. SACKS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SACKS. Mr. Speaker, I am very happy that my friend the gentleman from Wisconsin [Mr. KEEFE] told the Members of this House that I was invited to go to that conference. It seems to me that the youth of this country are very much interested in our Government and very much interested in the future of democracy. I am also sure that the youth of this Nation are not communistic. I am sure I am not communistic. I am happy to be invited to go to the White House. I accept very graciously the fact that I was invited and I am sure that if the gentleman from Wisconsin had been invited himself by a Republican President or President's wife, he would have been happy to go to the White House.

The American youth are most desirous that their views be communicated to our legislative body. To me this is a most worthy project. The First Lady has most sympathetically undertaken to help the vast group of American youth who tomorrow will be the backbone of American democracy and the continuance of democratic principles established by our forefathers. I rise to protest any inference as to her motives and feel secure the American public understand her great desire to help youth. In my opinion this is Americanism and am proud to be one of her guests in this demonstration. The inclusion in this list of such stalwart Americans as the distinguished majority leader, Mr. RAYBURN, the gentleman from Massachusetts, Mr. CASEY, and the gentleman from California, Mr. VOORHIS, makes my position all the more preferable. Therefore, I add my humble thanks to the gentleman from Wisconsin [Mr. KEEFE] for his statement. However, the gentleman from Wisconsin is following in the footsteps of his leader, John Hamilton, National Republican Chairman, who refused the invitation to have the Republican Party represented at this meeting with the representatives of 4,000,000 youths of this country who are honestly seeking advice and guidance. Mr. Speaker, I resent the implication on the part of the gentleman from Wisconsin that the youth of America are communistic. The refusal of the Republican Party to cooperate with the youth of America cannot be covered up by raising the false cry of communism.

The SPEAKER pro tempore. The time of the gentleman has expired.

STATE, COMMERCE, JUSTICE, AND THE JUDICIARY APPROPRIATION BILL, 1941

Mr. CALDWELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8319, making appropriations for the Departments of State, Commerce, and Justice, and for the judiciary, for the fiscal year ending June 30, 1941, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8319, with Mr. BEAM in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

Contingent expenses: For stationery, furniture and repairs, floor coverings, file holders and cases; miscellaneous expenditures, including telegraphing and telephones, and teletype rentals and tolls, postage, labor, typewriters and adding machines and the exchange thereof and repairs thereto, streetcar fares, newspapers not exceeding \$350, press clippings, and other necessities ordered by the Attorney General; official transportation, including the repair, maintenance, and operation of four motor-driven passenger cars (one for the

Attorney General and three for general use of the Department), delivery trucks, and motorcycle, to be used only for official purposes; purchase of lawbooks, books of reference, and periodicals, including the exchange thereof; examination of estimates of appropriation in the field; and miscellaneous and emergency expenses authorized and approved by the Attorney General, to be expended at his discretion, \$175,000: *Provided*, That not to exceed \$2 per volume shall be paid for the current and future volumes of the United States Code, Annotated.

Mr. STEFAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there has been considerable confusion regarding the act making compulsory the reply to questions that will be asked by the enumerators in connection with the gathering of the sixteenth decennial census. It has come to my attention that some of this confusion is the result of an erroneous newspaper article which appeared in one of the New York papers recently.

The fact of the matter is that all of the questions in connection with this census gathering must be answered under the law of June 18, 1929, providing for the fifteenth and subsequent decennial censuses of the United States (46 Stat. 21; U. S. C. supp. VII, title 13, ch. 4). This act provides that all persons over 18 years of age shall answer correctly and to the best of their knowledge all questions on the census schedules applying to themselves, to their families, and to their farm.

The act provides a penalty of not to exceed \$100 if a person is guilty of refusing to answer the official questions on the schedules for census of population, the census of agriculture, and the census of housing.

At its first session of the Seventy-sixth Congress, the Congress passed a special act to provide for a national census of housing (Public, No. 385, ch. 688, 1st sess., 76th Cong.). This act has the effect of adding as a subject in the Sixteenth Census, which will be taken this year, a census of housing.

Along with other Members of Congress, I have been receiving letters from my constituents indicating that there has been given the impression through some publications or through verbal information in some cases that it is not compulsory to reply to these questions. So far as I am concerned, I am notifying all my constituents of the true facts, which are that every official question asked by the enumerators when they call must be replied to under the penalty provided in the law, which is a fine of not to exceed \$100 or imprisonment not to exceed 60 days, or both; and I wish to warn them not to give false answers, because there is a fine of not to exceed \$500 or imprisonment not to exceed 1 year, or both.

The misleading newspaper article to which I referred previously appeared in the Sunday New York Times early in January. This article stated in brackets that "reporting on census questionnaire was not compulsory." It was retracted by the Times the next day, and a statement has been issued by Director W. L. Austin, Bureau of the Census, fully explaining the duties of citizens to report in this census.

I fear that the newspaper article has misled many people into believing that some questions need not be answered, so I take this opportunity to warn all Members of the House, when they receive letters from constituents, to advise them that it is absolutely compulsory to answer all questions pertaining to this census, as required by an act of Congress in 1929.

There may have been other misunderstandings concerning compulsion and noncompulsion in the gathering of the current information on the part of the Department of Commerce, and this matter should be explained to Members of the House, who may find this information valuable when they are asked these questions by their constituents. The Department of Commerce, through the Bureau of the Census, gathers monthly statistics by mail from business and industrial concerns which voluntarily report their sales, stocks, and production of certain commodities to the Department of Commerce. These statistics are gathered under the general authority of the act establishing the Department of Commerce, and should not be confused with censuses, the reporting of which is required by law.

Some of these monthly questionnaires, however, are specifically provided for by acts of Congress. For instance, the schedules on cotton, cottonseed, and red-cedar shingles.

So far as I am able to learn at this particular time, these are the only three subjects which the law specifies must be replied to, except those subjects specified in the Decennial Census Act and by the act providing for a permanent Census Office—United States Code, Supplement 7, title 13. The general monthly compilations on the part of the Department of Commerce are voluntary. These minor reports may have caused the confusion in some of the statements that have been made; I refer to the false statement that it is not compulsory to reply to some of the questions asked in the decennial census.

There appears on the face of every official census questionnaire taken under authority of the Decennial Census Act and other acts, which specifically provide for compulsory reporting on the questions asked, the following explanation:

Your report is required by act of Congress. This act also makes it unlawful for the Bureau to disclose any facts, including names or identity, from your census reports. Only sworn census employees will see your statements. Data collected will be used solely for preparing statistical information concerning the Nation's population, resources, and business activities. Your census report cannot be used for purposes of taxation, regulation, or investigation.

In connection with the industrial and business censuses the penalty is more severe than for refusal to give information on population, housing, or agriculture. I wish to quote from the act of June 18, 1929, section 10, as follows:

That it shall be the duty of every owner, official, agent, person in charge, or assistant to the person in charge of any company, business, institution, establishment, religious body, or organization of any nature whatsoever to answer completely and correctly to the best of his knowledge all questions relating to his respective company, business, institution, establishment, religious body, or other organization, or to records or statistics in his official custody, contained on any census schedule prepared by the Director of the Census under the authority of this act, or of the act to provide for a permanent census office, approved March 6, 1902, or of acts amendatory thereof or supplemental thereto; and any person violating the provisions of this section by refusing or willfully neglecting to answer any of said questions shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$500 or imprisoned for a period not exceeding 60 days, or both so fined and imprisoned; and any person violating the provisions of this section by willfully giving answers that are false shall be fined not exceeding \$10,000 or imprisoned for a period not exceeding 1 year, or both.

Considerable has been said about the possible danger of revelation of information which is to be secured by the enumerators. In fact, everyone connected with the Department of Commerce, from the Director down, is sworn to protect census information against disclosure. In order to bring to your attention the penalty for such revelation of confidential information, I quote from the act of June 18, 1929, section 8, which provides strict penalty for this violation of confidence:

That any supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other employees who, having taken and subscribed the oath of office, shall without justifiable cause, neglect or refuse to perform the duties enjoined on him by this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$500; or if he shall, without the authority of the Director of the Census, publish or communicate any information coming into his possession by reason of his employment under the provision of this act, or the act to provide for a permanent census office, or acts amendatory thereof or supplemental thereto, he shall be guilty of a felony and upon conviction thereof shall be fined not to exceed \$1,000 or be imprisoned not to exceed 2 years, or both so fined and imprisoned in the discretion of the court.

The Clerk read as follows:

Enforcement of antitrust and kindred laws: For the enforcement of antitrust and kindred laws, including experts at such rates of compensation as may be authorized or approved by the Attorney General, except that the compensation paid to any person employed hereunder shall not exceed the rate of \$10,000 per annum, including personal services in the District of Columbia, \$1,250,000.

Mr. VOORHIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOORHIS of California: On page 59, line 3, after the words "District of Columbia", strike out "\$1,250,000" and insert "\$1,500,000."

Mr. VOORHIS of California. Mr. Chairman, I offer this amendment for the purpose of raising by \$250,000 the appropriation for the enforcement of the antitrust laws.

My first reason for so doing is that last year the appropriation was \$1,300,000, and the work of this division of the Department of Justice has, in the course of the last few months, greatly expanded, and I think has produced some results which are of great benefit.

The second reason why I offer the amendment is because I find that during the past year, whereas \$1,300,000 was appropriated for this purpose, there were collected in fines by this division or as a result of its work \$2,400,000. In other words, it more than paid its own way.

Generally speaking, what I am interested in is this: I believe that for a solution of the economic problem within the framework of a free economy it is necessary to remove the obstacle which monopoly presents to free enterprise, and which monopoly inevitably brings about through taking an unjustifiable share of the national income into the hands of a comparatively few corporations, which ought to go generally throughout the business community.

We have a situation where prices of industrial goods in many instances are out of proportion to what they should be; and it is the industries where real competition exists, notably agriculture, which suffer from this situation.

If anything is consistent with a philosophy of free enterprise the work of this Division certainly is. We have at the moment the coming of the so-called war industries into the picture which, if we can read history at all, will mean a more serious situation with regard to unjustifiable prices and monopoly than would otherwise be the case. It does not seem to me that this is the time when this work ought to be curtailed—and the amount of the appropriation carried for this item in the bill will mean that it will be curtailed. My amendment would mean that it may be reasonably, though not very much, expanded; and even though my amendment were adopted, the item would still be \$900,000 less than the amount of fines collected last year as a result of the work of this Division. With the expansion of its work this item of income can be expected to increase. Another result of inordinate prices for certain articles in this country, according to studies made, has been the importation of a lot of goods from abroad by mass sellers of those goods when they undoubtedly would use the American product if it were priced more properly and not under the influence of monopolistic control of price.

The work of this Division is to enforce the laws that we now have on our statute books. It seems to me this is a time when this work should continue vigorously, and this is the reason I offer this amendment.

Mr. CULKIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am for the pending amendment, but I desire to say to the Committee at this time that, irrespective of the fate of this amendment, an amendment will be offered by the gentleman from Wisconsin [Mr. HULL] for the purpose of increasing this fund \$100,000.

The purpose of the amendment to be proposed by the gentleman from Wisconsin [Mr. HULL] is to give the Attorney General sufficient money to bring the dairy monopolists to book. It is a fact, and this Congress must know it, that the Federal Trade Commission has repeatedly found that the dairymen in America, composed of 3,500,000 people, with 10,000,000 dependents, are in the grip of a savage, unrestrained monopoly composed largely of Borden and National Dairies. The Federal Trade Commission, the greatest fact-finding body in the world, has found that unless this marketing monopoly is taken off the backs of the dairymen they will be driven from the land. Authoritative findings, particularly in the State of New York, show that these distributors are now making 107 percent on manufactured milk and 24 percent on fluid milk. The dairyman is coming into a situation where he will have no place to lay his head. Twenty years ago he was the finest type of individualist in this civilization. Today his condition is becoming comparable to that of the itinerant sharecropper of the Southwest.



Vigorous antitrust prosecution is the only thing that can save him.

Last July a nonpartisan committee composed of representatives of the dairying States called the attention of the Attorney General to this situation. The Attorney General is ready to proceed.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield briefly?

Mr. CULKIN. Yes; I will yield, but briefly only.

Mr. VOORHIS of California. I merely want to say that if this amendment is adopted it will be used also for the purpose the gentleman is bringing to our attention. I regret that I did not mention it in my remarks.

Mr. CULKIN. I thank the gentleman. Mr. Chairman, the history of appropriations of this character is that they bring a twofold return to the Treasury. That was just referred to by the gentleman from California [Mr. VOORHIS]. So the economy program, fine as it is—and I am in strong sympathy with it—has no place here.

Permit me to say, and I think it is probably unusual on this floor to commend the opposition, that I have great respect for the achievements of Thurman Arnold, who is now in charge of the antitrust prosecutions. I regard him as one of the outstanding men of the present administration. [Applause.] From the standpoint of public usefulness, I believe he is probably the most outstanding man in the executive branch. Thurman Arnold understands this situation. We have been over it with him in detail, and he is prepared to act. Some of us who have studied this question and lived with it for years are convinced that unless this action is taken the dairymen will pass from the national picture. This, of course, would be a supreme tragedy. I urge the Members of the Committee, particularly those upon my own side of the aisle in whose districts the dairymen are largely resident, to support one or the other of these amendments.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield.

Mr. RABAUT. We had quite a conference about this in the committee, and I for one was very favorable toward an increase in funds for this division. We also called especial attention to it in the report. There are 50 cases now pending before the Antitrust Division, of which 20 are key cases; in other words, if these 20 cases are adjusted a great many other cases would be affected.

Mr. CULKIN. But it does not go to this question, may I say to the gentleman.

Mr. RABAUT. Just a moment. There is just so much that can be done, and there are only two places in the whole bill where we have gone above the Budget. This is one. The other was the Patent Office. So we want the gentleman to know that the committee was very favorable to this particular activity.

Mr. CULKIN. I think the committee is a splendid one.

[Here the gavel fell.]

Mr. CULKIN. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GWYNNE. Will the gentleman yield?

Mr. CULKIN. I yield to the gentleman from Iowa.

Mr. GWYNNE. I simply want to say it is a very necessary appropriation and I hope the amendment will be agreed to because it is an important amendment.

Mr. CULKIN. I thank the gentleman.

Mr. LAMBERTSON. Will the gentleman yield?

Mr. CULKIN. I yield to the gentleman from Kansas.

Mr. LAMBERTSON. Maybe the gentleman has a good man in mind to prosecute, but has that man the backing of this administration? The present administration has committed itself in favor of monopoly and it has never emphasized enforcing the antitrust law. It aided monopoly in the form of the N. R. A.

Mr. CULKIN. May I say in answer to the gentleman from Kansas that Thurman Arnold is giving hope to most Americans who believe that the solution of the marketing problems

of the farmer, the troubles of the small industrialists, and the elimination of the racketeering laborite, is in the enforcement of the antitrust laws. Thurman Arnold has given new hope to those people. I think he has gotten off to a fine, courageous start. I know he is a sincere, able, conscientious public official.

Mr. STEFAN. Will the gentleman yield?

Mr. CULKIN. I yield to the gentleman from Nebraska.

Mr. STEFAN. I agree with what the gentleman has said. I call his attention to the fact that the committee recognized this because we increased the appropriation for Mr. Arnold's department \$21,000 over the Budget estimate.

Mr. CULKIN. I understand that.

Mr. STEFAN. We did that in recognition of the service rendered by this particular bureau.

Mr. CULKIN. I am speaking for 13,000,000 people who are being destroyed and this committee has made no provision for them.

Mr. STEFAN. I agree with the gentleman.

Mr. CULKIN. There are 55 cases pending. The average case costs \$100,000 and unless this additional money is made available and earmarked by this discussion, these people are going to be driven off the land.

Mr. WALTER. Will the gentleman yield?

Mr. CULKIN. I yield to the gentleman from Pennsylvania.

Mr. WALTER. May I call the gentleman's attention to the fact this Division has saved many thousands of dollars in the purchase of automobiles through the breaking up of a combination that added many dollars to the cost of an automobile.

Mr. CULKIN. That is true. This Division has also made history in connection with the building-trades industry, where they have saved the country millions of dollars.

Mr. Chairman, if we agree to the amount proposed by the amendment offered by the gentleman from California [Mr. VOORHIS], and increase this appropriation \$250,000, or \$100,000, as the gentleman from Wisconsin would propose, it will be of great assistance. The dairy monopoly today is thwarting the law, and in the State legislatures and here in Washington they are literally spending millions of dollars to defeat the law. All we ask is a paltry \$250,000, or at the will of the House, \$100,000, for this purpose.

I may say to the gentlemen on this side of the aisle that antitrust enforcement is in the best Republican tradition, because the Republican Party put these antitrust laws on the books. Strange as it may seem, the best antitrust enforcement we have had down to the time of Thurman Arnold was by Mr. Wickersham, who was a Wall Street lawyer, but true to his trust.

Mr. Chairman, I hope the Members of the Committee on both sides of the aisle will stand by and aid the dairymen in their hour of need. [Applause.]

[Here the gavel fell.]

Mr. CARTER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California.

Mr. Chairman, I am very much in sympathy with the author of this amendment and with the gentleman who has spoken in behalf of the amendment, but permit me to say that the subcommittee gave careful consideration to every argument they have made this afternoon in behalf of the amendment increasing the appropriation by \$250,000. At the present time there are 50 antitrust cases pending and they are in the process of litigation. Many of these cases are cases that will become precedents and will decide hundreds of other cases; therefore, this committee thought that by increasing the appropriation \$41,000 over that allowed by the Bureau of the Budget it was treating the Antitrust Division in a most generous manner.

We are very much in sympathy with seeing this work carried on. The gentlemen who have just preceded me spoke specifically of the dairy industry. There is nothing in the amendment offered by the gentleman from California that guarantees that one cent of this money will be spent in fighting the battles of the dairy industry. On the other hand, he has no right to conclude that the money we have provided

here, or at least some of it, will not be spent on behalf of the dairy industry.

Mr. CULKIN. Will the gentleman yield?

Mr. CARTER. For a brief question.

Mr. CULKIN. The gentleman has made a statement about me and I wish to state my situation briefly. We have been in contact with the Attorney General's Office, formerly Attorney General Murphy, and with Thurman Arnold. We are convinced that they are going ahead if they get this additional money.

Mr. CARTER. We are giving them more than the Bureau of the Budget allowed.

Mr. VOORHIS of California. Will the gentleman yield?

Mr. CARTER. I yield to the gentleman from California.

Mr. VOORHIS of California. Is it not true, however, that the appropriation provided in the bill is a cut over what they had last year of \$50,000?

Mr. CARTER. That may be true. I do not recall, but I do know that in making these appropriations we cannot run wild on something in which we are particularly interested. There must be a balance in making these appropriations, and it was in the exercise of that balance that we went only \$41,000 over the Bureau of the Budget.

The subcommittee listened attentively and at length to a description of the work of the Antitrust Division. We are not minimizing the beneficial results that flow from this work, but we believe that with the Federal Treasury in the condition it is at the present time, that this Antitrust Division, notwithstanding the importance of the work, should not at this time have in excess of \$1,250,000 that we have given them.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida [Mr. CALDWELL]?

Mr. HULL. Mr. Chairman, I shall object unless I may have an opportunity to talk on this amendment.

The CHAIRMAN. The gentleman was on his feet and the Chair will be glad to recognize him.

Mr. KEEFE. Mr. Chairman, I desire to speak too.

Mr. CALDWELL. Mr. Chairman, I do not want to be arbitrary. I would like to have 10 minutes in opposition and I am willing to allow the gentlemen in favor of the amendment 10 minutes. If there is no objection, I would like to see that agreement adopted.

Mr. CULKIN. Reserving the right to object, Mr. Chairman, I see there are three Members who wish to speak for the amendment, which would mean 25 minutes of debate.

Mr. CALDWELL. Mr. Chairman, I modify my request and ask unanimous consent that debate be limited to 25 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. HULL].

Mr. HULL. Mr. Chairman, I rise in support of this amendment. I had intended for a specific purpose to offer an amendment for an increase of \$100,000 in this appropriation. The gentleman from California [Mr. VOORHIS] was recognized, however, and his amendment is now before the Committee. I have reason to believe that if this amendment is carried and the fund is increased by \$250,000, it will include the purpose of the amendment I had intended to offer.

May I state to the gentleman from California [Mr. CARTER], who has just spoken, that this increase will not be damaging to the balancing of the Budget. It is perfectly plain from the statement of Mr. Arnold before the Committee on Appropriations that about \$3 is taken in in the way of fines and penalties for every dollar that is expended by the Antitrust Division. Consequently, any increase in these funds will serve to that extent in helping balance the Budget.

The particular reason for my amendment, and my interest in the pending amendment, is that nearly a year ago a delegation of Members from the dairy sections of the country, after repeated endeavors and numerous meetings, filed a complaint with the Attorney General's Department, asking that action be taken on the prosecution of the cases against the milk or dairy products monopolies. A little later we went to see Attorney General Murphy, and later Mr. Arnold. We had several conferences with them. We urged that the Chicago cases be pushed to the limit, and I would say, by the way, that they are being pushed to the limit.

They have gone to the Supreme Court, the nature of the actions has been affirmed there, and it is now back for trial in the district court at Chicago. However, the trouble we have had in obtaining action by the Department of Justice in other cases is that they have had no funds for carrying on the prosecutions.

There are five large dairy companies in the United States which control the larger part of the distribution of whole milk, and are now reaching out and obtaining control of the markets for butter, cheese, and other dairy products. These firms are very well known. Their practices have been very fully investigated and are described in the voluminous report of the Trade Commission, which found that in nearly all the large centers of this country the farmers are being discriminated against as to the prices they receive for their milk and their opportunity of selling milk, and that at the same time the consumers are compelled to pay an exorbitant price for the milk they buy.

We people who come from the dairy sections feel that this increased amount should be allowed. We believe, notwithstanding the fact that cuts have been made in other directions, that this is an outstanding incident which requires and should have the support of Congress in promoting the protection of both the farmer, who furnishes the milk, and the consumers in the large centers. Therefore, I hope this amendment will be adopted and that the additional \$250,000 will be voted.

May I say, further, that I have such confidence in Mr. Arnold and his Department that in case this amendment carries, I have no doubt that a reasonable portion of the amount, \$100,000, at least, will be set aside for the purpose of pursuing the investigation, obtaining evidence, and bringing indictments against more and more of these combinations in the larger centers of the country.

I hope the amendment will be adopted. There is nothing partisan about it, there is nothing extravagant about it. It is a plain common-sense proposal to allow the Department of Justice sufficient funds to bring to book these people who have robbed the consumers as well as the farmers of America of millions of dollars. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. KEEFE].

Mr. KEEFE. Mr. Chairman, up to this time I have voted consistently for every bill and every cut that the Committee on Appropriations has brought before this House. Let it be understood that in respect to this particular item, however, while the appropriation is ostensibly \$41,000 above the Budget estimate, in fact the appropriation represents a cut of \$59,000 below the appropriation for last year.

I am opposed to monopoly wherever it can be found. I am satisfied as a result of some years of intimate contact with the milk and dairy business that there is in this country a very rank monopolistic influence in that field. I am thoroughly satisfied from various contacts and conferences with Mr. Arnold that he is one man in this Government who is not politically minded, that he is endeavoring honestly to perform his job, and that if he is given the funds with which to work he will ferret out and destroy the monopolies that are so viciously assailing the interests not only of the farmers but of the consumers of this country. [Applause.]

I want the Record to disclose that as far as I personally am concerned I am a firm believer in the interests of economy.



However, I believe it is false economy in this case to take away from this Department funds which Mr. Arnold says are sorely and absolutely needed if he is to continue the investigation into the milk monopoly and carry it through to a successful prosecution.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from New York.

Mr. REED of New York. Does not the gentleman believe it would be a measure of economy, when we know that in order to help the farmers the Surplus Commodities Corporation is going into the market to buy up these surpluses, if we could relieve the farmer from the drain that is made upon him by this monopoly?

Mr. KEEFE. There is no question about it. May I say further that the Surplus Commodities Corporation, going into the market and buying surplus commodities for sometimes as low as half what it costs the farmer to produce them, is not giving a very great benefit to the farmer, but is, in effect, compelling the farmer to feed the people in the cities by letting them eat up the profits of the farm through their getting these commodities for about half what it has cost the farmer to produce them.

I support the tenor of this amendment. Whether \$250,000 is the proper sum I cannot say; but I am firmly of the belief that Mr. Arnold is entitled to an increase in this appropriation, and that if he is given it he will carry out the program that he has told us he will carry out. I am satisfied that he will carry on this milk investigation and that we Members of Congress who come from the dairy States will at least have done our part in raising our voices here when the time is ripe in support of the efforts to destroy a monopoly in the milk business. [Applause.]

[Here the gavel fell.]

Mr. PIERCE. Mr. Chairman, I rise in opposition to the pro forma amendment.

I am delighted to know that my friend from Wisconsin and myself can agree upon this amendment. I rather have my doubts about the ability of the Justice Department to control the milk monopoly; however, I do want them to try. Monopoly seems to be beyond the reach of Government control. I have been in close touch with the dairy business for a great many years, dating clear back of the time when I was Governor of Oregon. I remember introducing a bill in the State legislature, a mild affair, to help the dairymen. I shall never forget the fight that was put up by the Milk Trust in opposition to that bill. I shall never forget how one of the agents of the milk combination came to me after the fight was over and said: "It does not matter what you do, all we need to do is to put on the propaganda—get control of the papers and we can win the people." The monopoly defeated our efforts at that time.

Since I have been a Member of this House I have worked with our colleagues from New York and Wisconsin, particularly those interested in the dairy industry, trying to reach some solution. I am voting for this amendment. I think it ought to be adopted. It means \$100,000 that will go into the hands of the prosecuting officers to try to reach this trust or this monopoly. I am not certain it can be done. We may have to pass laws here that will compel the producers to distribute the milk themselves cooperatively. That is going to be a fierce battle because we will have to fight a great many organizations that are now living off of the farmer. If something is not done in the way of breaking up the monopolies, then peasantry for the dairyman seems a certainty.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. I yield to the gentleman.

Mr. CULKIN. The gentleman was present at the Attorney General's office with our committee and heard the discussion there, and he is satisfied that if this appropriation is increased and, in effect, earmarked by this discussion, action will be taken in this matter?

Mr. PIERCE. Absolutely. If this amendment of our colleague from California prevails, there will be a real, genuine

attempt made by the legal department to help out this situation in the distribution of milk. I am for the amendment. [Applause.]

Mr. MARTIN J. KENNEDY. Mr. Chairman and Members of the Committee, as a Representative coming from the city of New York, with a population of over 7,000,000, I am deeply interested in every proposal that has for its object the reduction in the cost of living. The people of my city are vitally concerned about the cost of living and I want to do everything in my power to eliminate any unnecessary expense. If the adoption of this amendment is the method by which we can help to reduce the cost of milk and the by-products, I am heartily in favor of the amendment to provide additional funds for the Attorney General to fight alleged monopolies.

I have always admired my colleague the gentleman from up-State New York [Mr. CULKIN], because he has been a constant champion of the dairy industry and the farmer. The speech he just delivered indicated the possibilities for further reduction in the cost of living by the stamping out of the trade practices which have made it almost impossible for the farmer to live, while at the same time contributed to an increase in the price of foodstuffs.

I do hope, however, that we here in the United States will not get the persecution complex. It would seem that every day we can read of business organizations, large industries, labor unions, and officials of labor unions being indicted for abuses in violation of the law. We may have some terrible conditions in the dairy industry and some others; if so, let us clear up these violations by proceeding in a calm and orderly fashion, and not on a wave of hysteria. I hope that our position here today will not cause the Attorney General to go on a rampage which might give the impression that every successful business is a monopoly and is run in a crooked manner.

I propose to vote for the Voorhis amendment because I hope as a result of the money provided this work of the Attorney General of fighting collusion and other unfair practices will continue, and successfully result in the reduction in the cost of food and the other necessities of life. [Applause.]

Mr. CALDWELL. Mr. Chairman, it is rather refreshing to see the urge for an amendment increasing an appropriation coming from the economy side of the House. You know it all gets back to the question of just whose interest is involved.

If we approved every item asked by every Member or every group in the House, these appropriation bills would reach enormous proportions. I do not know where all the gentlemen were when we had the bill under consideration. When the committee had the bill under consideration and were hearing interested persons, those who are so zealous now in behalf of the dairy industry and other industries, made no effort to appear before the committee and present their cause. Nothing of particular moment has occurred within the last 2 or 3 weeks to make it so urgent now as against that time. The fact remains that if we are going to hold down these appropriations we must make some cuts and if we wait to do that until everyone is in accord they will not be made.

This committee appreciates the value of the antitrust division. It feels they have been doing a pretty good job. Members of the committee evidenced that feeling by making this one of the two items in the whole bill for the Departments of State, Commerce, Justice, and the Judiciary, in which we increased the Budget request. We gave them \$41,000 over the Budget recommendation. Undoubtedly, good could be accomplished if they had two or three million dollars in excess of the amount that has been approved, but I call your attention to the fact that in 1934 this division had \$150,000; in 1935 they had \$289,000 and a supplement of \$125,000. In 1936 they had \$420,000; in 1937, \$435,000; in 1939, \$580,000 and a supplement of \$200,000. In 1940 it reached the point of \$1,309,000. It occurs to me the House should take stock of the situation and in some sound manner work out this problem over a period of years. I sincerely hope that this amendment will be voted down. I am sure that the Antitrust Division is rendering every service possible with

the funds and ability at its disposal. I am also sure that the orderly processes of Government will be served by holding the appropriation to the amount approved by the committee.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. HARE. There is a provision in the appropriation bill where the Attorney General is permitted to employ special attorneys, and is there any reason why he should not use that fund or a portion of it to employ special attorneys to prosecute the monopolies referred to here?

Mr. CALDWELL. Not at all. He has more than half a million dollars available for the employment of special attorneys, and I have no doubt that a number of these men are now engaged and more of them can be put on this work.

The CHAIRMAN. The time of the gentleman from Florida has expired. All time has expired. The question is on the amendment offered by the gentleman from California [Mr. Voorhis].

The question was taken; and on a division (demanded by Mr. CULKIN and Mr. VOORHIS of California) there were—ayes 27, noes 44.

So the amendment was rejected.

Mr. HULL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HULL: Page 59, line 3, after the words "District of Columbia", strike out "\$1,250,000" and insert in lieu thereof "\$1,350,000."

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent that all debate upon this amendment and all amendments thereto close in 13 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HULL. Mr. Chairman, I am sorry that the amendment offered by the gentleman from California [Mr. Voorhis] was voted down. I ask the indulgence of the House to press upon them the importance of the amendment which I now offer, which would increase the amount of the funds available for the Antitrust Division to \$1,350,000. That will be just \$41,000 more than they have this year, and it will be just \$100,000 more than the committee has recommended.

The committee has made a very favorable report, so far as this Division is concerned, and, with the consent of the House, I shall insert in my remarks the report of the committee and also the statement of Mr. Arnold, of the Antitrust Division, regarding the activities and the profitable operations of the Division, so far as increasing the revenues of the Government is concerned.

The committee in its report said:

#### ENFORCEMENT OF ANTITRUST AND KINDRED LAWS

The Antitrust Division of the Department has pending at the present time 50 antitrust cases, about 20 of which may be regarded as major cases. In response to committee inquiry, Assistant Attorney General Arnold made a very impressive statement of the need for additional funds in order that the pending major cases may be disposed of and new cases of pressing importance might be instituted. The committee recommend the reading of Mr. Arnold's statement to the Members of the House. It appears from the testimony that it would require an appropriation of approximately \$1,500,000 to complete the investigations now under way in the building industry alone.

While the committee recognize that there is a vast potential field of possible activity in the prosecution of antitrust cases, and that results to date of intensified antitrust drives indicate savings of several hundred million dollars to the consuming public as a result thereof, nonetheless, the impelling need for strict economy in governmental expenditures must be given serious consideration and weighed in the scales opposite the desire to project the Government's arm at further length into the multifarious fields of Federal activities. The committee have approved the sum of \$1,250,000, an increase over the Budget estimates of \$41,000, impressed as it is with the need for lending every possible encouragement to the commendable work that is being done by the Division. In normal times, with a balanced Budget, the committee would be disposed to go considerably further in adding the amounts that would be necessary to bring to account all those violating the terms of the antitrust laws. With the exception of the Patent Office in the Department of Commerce, this is the only increase over the Budget estimates that has been made in the entire bill. In both these instances this special consideration was shown to revenue-producing agencies.

Thurman Arnold, in his statement to the committee, outlined the success of the work of his Division as follows:

I gave you a list of 17 definite and specific investigations which, if properly conducted, would require the services of about 162 additional men. That would have necessitated an increase in our appropriation of \$1,131,560. The Division was granted an increase of \$519,000, making a total appropriation of \$1,300,000 for this fiscal year. We have been working under that appropriation for the past 6 months and will continue for the next 6 months. I presume, therefore, that my first duty here today is to give an accounting of the way in which we have utilized, and expect to utilize, that appropriation.

#### ANTITRUST DIVISION IS A PROFITABLE AGENCY OF GOVERNMENT

Before I begin on this, however, I should like to remind you of one statement which I made to you last year. I told you that the appropriation for the Antitrust Division had no relation to any Budget-balancing activities. I said that the Antitrust Division would return to the Government in fines and penalties more than the amount of its appropriation. I am prepared to support that statement with the figures, even though the year is only half over.

Our appropriation for this year is \$1,300,000. To date our record of fines and penalties collected or assessed amounts to \$2,421,000; and on the basis of cases now pending, which should be completed within the present fiscal year, there is an additional total in potential fines of approximately \$3,800,000. If this latter estimate proves to be correct, the Antitrust Division will return to the General Treasury approximately \$6,221,000, or a profit of about \$5,000,000 on its year's work. Those who violate these laws pay for their enforcement.

Yet the actual cash returned to the Treasury is infinitesimal in comparison to the amount of money saved by the consuming public. They are based on the normal trend of increase which might have been expected in about seven industries had not antitrust suits been pending against those concerns. These studies indicate that approximately \$270,000,000 annually will be saved the consuming public as a result of seven major antitrust cases.

It is apparent, therefore, that an adequate appropriation for the Antitrust Division is not an expense on the taxpayers of the country. On the other hand, it is an investment which not only proves profitable in a fiscal sense, but, far more important, helps to preserve equality of opportunity by preventing price raises which have no other justification than the means of conspiracy and the erection of artificial and illegal restraints of trade.

There are 55 cases pending in this Antitrust Division at this time. They cover a wide range of alleged law violations. I enlist the attention of the Members from the larger cities, and especially those who are in cities in which the milk monopolies control prices, taking more and more from the consumers' pockets, at the same time holding down the price to the farmers, to this situation. The great dairy industry involves a business of more than \$2,000,000,000 annually. It is one of the largest industries in the country, and yet there is but one big action pending in this law-enforcement drive against a monopoly that controls the milk supply in practically all of the large centers of the country. There is but one action pending today so far as those monopolies are concerned.

In the limited time I have I cannot go into the details of the matter, but I will say that 10 years ago Congress passed an act appropriating \$300,000 to permit the Federal Trade Commission to investigate the dairy monopolies. In all of the investigations carried on by the Federal Trade Commission, there was none in which there were many charges made as in its report upon the dairy combinations.

We have had the fight here in Washington under consideration. The Schulte bill and the investigation made by the District Committee have commanded wide attention. Conditions have been revealed here which have, without action on the bill itself, compelled certain changes to be made in the distribution of milk in the city of Washington, with some reductions of prices to consumers.

Mr. SCHULTE. Mr. Chairman, will the gentleman yield?

Mr. HULL. I do.

Mr. SCHULTE. Speaking of monopolies, and we have all heard of the milk situation in the District of Columbia, is it not true that there should be an investigation in the District of Columbia alone, when it has been shown that one dairy made a net profit of \$461,000 in this District?

Mr. HULL. I think that an investigation should be made here, and one of the purposes of trying to obtain this \$100,000 of additional funds is because there are alleged violations here which the division has tried to investigate, particularly regarding the ice-cream situation, and funds are



needed for that purpose. On the other hand in New York City some investigations have been had by the city government. Mayor LaGuardia has endeavored to cut the price of milk down to a point where the poor people can obtain it.

Mr. KERR. Mr. Chairman, will the gentleman yield?

Mr. HULL. Yes.

Mr. KERR. I think my distinguished colleague has convinced this House that the milk monopoly ought to be broken up. Does he not think he would be able to convince Mr. Arnold that he should use a portion of this \$1,250,000 to prosecute this monopoly?

Mr. HULL. Our understanding is, after repeated conferences, that the reason further action has not been taken is because the Chicago case has taken the larger part of the funds set aside for that purpose.

Mr. KERR. I think I am in a position to inform my friend that no part of this \$1,250,000 has been earmarked. As much of it as is necessary can be used to break this up.

Mr. HULL. That is true. There are 55 actions pending, and just 1 investigation regarding the dairy situation, and that is the Chicago case.

Mr. KERR. The gentleman need not be alarmed about the 55 actions pending, because many of those will probably never be adjudicated.

Mr. HULL. There are at least 20 key cases in the 55. All we are asking for on the part of the dairymen of this country is to let us have a little share of the time and attention of the Department of Justice in trying to stop some of the exactions, at least, of the monopolies that rob the farmers and the consumers alike. This amount is small. I hope the committee may consent to the allowance of at least the amount we are asking.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from New York [Mr. CULKIN] is recognized.

Mr. CULKIN. Mr. Chairman, I would not trespass again upon the time of the Committee except that this matter is, I repeat, of vital importance to three and one-half million dairymen and their ten million dependents. I think the House will be remiss in its obvious duty to that great group of Americans if it fails to take appropriate action in this situation.

The amendment as it is now presented provides for an additional \$100,000. That is the figure we originally considered. We had no advance knowledge of the amendment offered by the gentleman from California [Mr. VOORHIS]. We have been over this situation in detail. A committee of 10, representing the dairy interests, have given intense study to the records of the Federal Trade Commission and have come to the conclusion that a frontal attack on monopoly is the only way to cure the situation.

May I say to my friends on the Republican side, and I do not wish to intrude upon their respective legislative consciences, that in 1932 and 1936 the western farmers ran out on the Republican Party, and the Republican Party at this time had better watch its step in the North and Northeast. That is said in all kindness but in all firmness. The proper munitioning of the antitrust branch of government for the purpose outlined here will bring the comforts of living and indeed life itself to 10,000,000 people who are now being scattered to the four winds by this monopolistic performance. You can ignore that or not, as you see fit, but I trust that in good conscience you will support this amendment and give the dairyman a breathing spell.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield.

Mr. VOORHIS of California. I very much hope the amendment offered by the gentleman from Wisconsin [Mr. HULL] will be carried. I trust that inasmuch as it is only 40 percent as much money as my amendment contained, the opposition will only be 40 percent as great, in which case the amendment will be adopted.

Mr. CULKIN. What the gentleman says is true. May I say this Division produced revenue twofold over the amount

which it cost to operate it. They have reduced this item \$59,000, and all we are asking you to do is to put that back and \$41,000 with it.

Mr. BUCKLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield.

Mr. BUCKLER of Minnesota. Some of our good friends are talking about balancing the Budget. I am wondering if they know the conditions of the dairy farmers of the United States and if they would want to save \$100,000 if they would go out in the country and see the drudgery that these women and children have to undergo trying to make a living, with this monopoly controlling the products of the farmers. Everyone of you should stand up here and support this amendment.

Mr. CULKIN. I thank the gentleman.

I leave the pending question to your good conscience. I have done my bit. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Florida [Mr. CALDWELL] is recognized.

Mr. CALDWELL. Mr. Chairman, this involves the same principle determined a few minutes ago. The difference is in amount only. I do not think additional argument is necessary. The Antitrust Division is being treated very liberally, and if ten or twelve million American citizens are affected by the conditions complained of, it seems to me that out of \$1,250,000 the Antitrust Division can find funds to correct that evil if it is as glaring as is reported.

Mr. CULKIN. Did not the record before the gentleman's committee show that all these funds are earmarked for existing prosecutions?

Mr. CALDWELL. The record showed no such condition to exist.

Mr. CULKIN. That is my information.

Mr. CALDWELL. The truth is that this Division, like every other bureau and division of the Government, treats every bloc that comes to it in just this way. They say, "We are sorry, but all of our funds are earmarked. You will have to get additional funds," and the drive is for larger and larger appropriations.

Mr. CULKIN. Well, does the gentleman know anything about the dairymen's situation under this monopoly? Has he looked into it?

Mr. CALDWELL. Yes; and I deplore the conditions that exist.

Mr. CULKIN. Here is a chance for you to correct it.

Mr. CALDWELL. This is no time to increase this appropriation. I sincerely hope the amendment will be voted down.

I ask for a vote, Mr. Chairman.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. HULL].

The question was taken; and on a division (demanded by Mr. CULKIN) there were—ayes 37 and noes 67.

So the amendment was rejected.

Mr. HOFFMAN. Mr. Chairman, I send a privileged motion to the desk.

The Clerk read as follows:

Mr. HOFFMAN moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. HOFFMAN. Mr. Chairman, the attention of the Members, and especially of the gentleman who offered an amendment to increase the funds for the antitrust division, so that those who interfered with the production and distribution of milk in the Chicago area might be prosecuted and a monopoly of the distribution and sale of milk in the city of Chicago ended, is called to the case of *Lake Valley Farm Products, Inc., a corporation; Lake View Cooperative of Watertown, Wis., etc., et al., v. Milk Wagon Drivers' Union, Local 753, et al.*, decided November 29, 1939, by the Circuit Court of Appeals for the Seventh Circuit.

A reading of the decision shows—and I have a copy of the opinion here in my hand—that it was brought by the plain-

tiffs, one of whom was the Lake Valley Farm Products, Inc., which was engaged in processing and distributing milk and dairy products in Chicago; another of whom was the Lake View Cooperative of Watertown, Wis., an organization of Wisconsin farmers; another, Josef Wagner, an individual; and Amalgamated Dairy Drivers, Local Industrial Union No. 819—all of these engaged either in the production, distribution, or sale of milk—against Milk Wagon Drivers' Union of Chicago, Local 753, and the officers and trustees of that union.

The Farm Products Co. purchased its daily requirements of fluid milk from the Lake View Cooperative of Watertown, Wis. The milk was then, after being pasteurized and bottled, sold to others, who owned and operated their own automobile-truck delivery equipment. These latter in turn sold and delivered the milk to various stores, which in turn sold it to the general public on a cash-and-carry plan. These last-named distributors were not members of the defendant union.

Often on the floor Members have talked about the wide spread that exists between producer and consumer. A part of that spread is made up of the price charged for distribution. The price charged for distribution is increased because certain labor leaders insist that all those engaged in such distribution join and pay dues to a union. It is evident to all that the services of some of these union drivers are not necessary if the milk can be sold direct to the consumer from the store on a cash-and-carry basis.

It is just another illustration of whether new and more economical methods of distribution shall be adopted and used when their adoption throws one class of citizens out of work while benefitting producers and consumers. Naturally, no one wants to see anyone lose a job; but it is undoubtedly true that new methods, new procedures, invariably cost the jobs of some while creating new positions.

I do not hold a brief for those who engage in monopolistic practices and I am thoroughly in sympathy with the breaking up of such practices. On the other hand, some of the abuses which are practiced can be cured by an amendment of the Wagner Act, which has done so much to aid racketeering, bring about violence, and add to the cost that the ultimate consumer must pay.

It is my contention that the farmer has the right to produce and to sell his milk in Chicago to anyone who has the money and desires to buy; that distributors have the right to open stores and sell that milk without the intervention of any other organization, except those organizations which protect the health of the citizen.

I wonder if there is any Member of this body who will stand up on the floor and defend such actions as those to which I now make reference. Let me read to you from this decision of the circuit court of appeals:

The Farm Products Co. is a cut-rate dairy in that it distributes its milk through retail stores by cash-and-carry sale, and at prices substantially less than the generally prevailing price for milk delivered by the dairy to the home. Because of the relatively large amount of milk delivered to each retail store, the cost of such delivery is substantially less than the cost of delivering milk on a retail route to the doorstep of the ultimate consumer.

The growth of the cut-rate milk business in Chicago has been accompanied by violence to the distributing stores. They have had their windows broken; they have been bombed, set afire; they have been submitted to stench bombs and to other acts of violence. Cut-rate dairy plants have been bombed, have had machinery smashed, and their delivery trucks have been seized and destroyed, and they have been submitted to other acts of violence.

Picketing by the defendant union has all taken place at and in front of stores selling the products of the plaintiff dairy, and no picketing has taken place at the plaintiff dairy plant. In some instances deliveries of other necessary food products into stores selling plaintiff's dairy products have ceased.

Fifteen to twenty stores distributing the products of plaintiff dairy were lost in the month preceding the filing of the bill of complaint; 25 to 30 stores were similarly lost since the commencement of the action; more than 100 of such stores have been picketed, and there is no way to ascertain the number of consumer patrons lost by the acts of the defendant. No labor dispute exists between plaintiff dairy and its workers.

The stores destroyed and damaged were not those that belonged only to big corporations. I call your attention to this statement from the finding of the court:

The store of the storekeeper (some of whom were poor women struggling to make a living) was either bombed or bricks were thrown through the plate-glass windows of such stores or other acts of violence were committed.

Here is the difficulty, when the farmers producing this milk have it distributed through these stores, they get a higher price than they receive from the dairy that delivers it from door to door. This is similar to the situation that exists here in Washington today; the people can purchase their milk at a lower price from certain stores than they can the other way.

Mr. SCHULTE. Mr. Chairman, will the gentleman yield?  
Mr. HOFFMAN. In just a moment.

Yet in between the fellow who feeds and milks the cows and the family which uses the milk in the city comes this wagon-drivers' union and says to the farmer, "You shall not deliver the milk that your cows produce to the families in Chicago which want to use it, unless you get it through our organization."

What right has any organization to step in between producer and consumer and levy a charge, either upon production or consumption, for a service that is not necessary or that is not wanted?

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SCHULTE. Mr. Chairman, I move to strike out the last word.

Mr. HOFFMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN. Is the motion to strike out the last word in order? I ask this in view of the ruling made by the Chair the other day.

The CHAIRMAN. It is.

The Chair recognizes the gentleman from Indiana for 5 minutes.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SCHULTE. Mr. Chairman, the gentleman from Michigan, as we all know, is very apprehensive that some particular organization or some member of a union might cause him a lot of embarrassment, and he is trying to leave us with the impression that the union milk drivers in the city of Chicago are the ones who are destroying all these dairy stores. I asked the gentleman to yield for a question so I might correct him, but he refused to.

Mr. HOFFMAN. Just a moment. I ask the gentleman to yield since he has referred to me.

Mr. SCHULTE. In just a moment. The gentleman would not yield to me.

Mr. HOFFMAN. But the gentleman made a misstatement about me.

Mr. SCHULTE. I said the gentleman from Michigan was laboring under the impression that union milk drivers were aiding in the destroying of stores.

Mr. HOFFMAN. That is entirely wrong. These stores were destroyed to aid certain union milk drivers. There are plenty of good, peaceable union milk drivers.

Mr. SCHULTE. The gentleman was reading from a record.

Mr. HOFFMAN. Yes; a finding of the United States Circuit Court of Appeals.

Mr. SCHULTE. And the gentleman read that drivers belonging to the local milk drivers' union in the city of Chicago were destroying milk stores.

Mr. HOFFMAN. Yes; that the stores were destroyed to promote the interest of the drivers.



Mr. SCHULTE. I wish to state to my friend from Michigan that just a few moments ago we voted down two proposed amendments, one offered by the gentleman from California, the other by the gentleman from Wisconsin, increasing this appropriation, the former by \$100,000, which, if passed, would have allowed Mr. Arnold to increase this activity.

I wonder if my good friend from Michigan has ever gone into the situation to see where some of these monopolies that we are talking about have hired thugs to go out and destroy stores—thugs, not union men. I wonder if my good friend—

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. Yes; I will be more courteous than the gentleman was to me. I yield to him even though he would not yield to me.

Mr. HOFFMAN. I favor the prosecutions carried on by Assistant Attorney General Arnold against monopolies.

Mr. SCHULTE. That is right, but I do not want the gentleman to leave the impression with the Members of this House that every time something happens, a man carrying a union card is responsible. I want to leave the impression with the gentleman that in a great many investigations that have been made it was shown that the monopoly itself was hiring the thugs under the guise of union men to destroy some of their competitors' property and to destroy competition. That is why I am so anxious to investigate monopoly—to show that they are responsible for most of the trouble.

Mr. HOFFMAN. I am not defending them. No one is more willing, no one will do more to aid in enforcing the law than I. That is my reason for so often on the floor asking for amendments to the National Labor Relations Act which will tend to prevent civil strife, end violence, and enable men who want to work to do so.

The Clerk read as follows:

Miscellaneous salaries and expenses, field: For salaries not otherwise specifically provided for (not to exceed \$110,000) and for such other expenses for the field service, Department of Justice, as may be authorized or approved by the Attorney General, including experts, and notarial fees or like services and stenographic work in taking depositions, at such rates of compensation as may be authorized or approved by the Attorney General, so much as may be necessary in the discretion of the Attorney General for such expenses in the District of Alaska, and in courts other than Federal courts; patent applications and contested proceedings involving inventions; rent of rooms; supplies and equipment, including the exchange of typewriting and adding machines, firearms and ammunition therefor; purchase of law books, including exchange thereof, and the Federal Reporter and continuations thereto as issued, \$317,500: *Provided*, That not to exceed \$2 per volume shall be paid for the current and future volumes of the United States Code Annotated.

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida [Mr. CALDWELL]?

There was no objection.

Mr. MAHON. Mr. Chairman, I wish to interrogate the acting chairman of the Subcommittee on Appropriations about the item of \$1,400,000 for the Lands Division. I read the report on this appropriation and also the hearings. There is an indication that the sum is insufficient to carry on the work which will probably be required of the Lands Division. In the interest of sound administrative policy, I think we ought to appropriate a sufficient amount. This work must be carried on; the necessary operations cannot be suspended.

Mr. CALDWELL. I may say to the gentleman that the Budget sent up an estimate of \$1,400,000, and the committee felt that while there was some merit in the contention of the Lands Division that it needed more, it might nevertheless get along expeditiously on the amount allowed.

Mr. MAHON. The Budget estimate for next year is approximately \$300,000 less than last year. Retrenchment in some of our Government programs cannot be reflected for many months to come in the operation of the Lands Division. I think we are making a mistake in this item.

While I am on my feet I would like to compliment the Lands Division and the gentleman from Florida [Mr. CALDWELL], acting chairman of this Subcommittee on Appropriations, for the effort that is being made to eliminate a lot of the red tape in acquiring titles for post office building sites, and lands for all other purposes required by the Federal Government. I hope this will materialize into something really worth while for the Government.

Mr. CALDWELL. May I say to the gentleman that I am convinced if they will get down to the heart of the matter and eliminate all of the unnecessary details, they can take \$1,400,000 and close these titles without delay.

Mr. MAHON. May I point out to the gentleman, however, that perhaps some legislation may be required in order to have that done? In fact, it was suggested to the Committee on Appropriations that such legislation was being prepared.

Mr. KELLER. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. KELLER. What is this for? For post office sites?

Mr. MAHON. No. This item covers all title acquisition work by all divisions of the Government, with possibly two or three exceptions. This is a very important item. Mr. Norman Littell, the able Assistant Attorney General and Chief of the Lands Division, states in the hearings that the Division now has pending over \$3,000,000,000 in litigation. [Here the gavel fell.]

The Clerk read as follows:

Salaries and expenses of special attorneys, and so forth: For compensation of special attorneys and assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases, and for payment of foreign counsel employed by the Attorney General in special cases, \$575,000, no part of which, except for payment of foreign counsel, shall be used to pay the compensation of any persons except attorneys duly licensed and authorized to practice under the laws of any State, Territory, or the District of Columbia: *Provided*, That the amount paid as compensation out of the funds herein appropriated to any person employed hereunder shall not exceed the rate of \$10,000 per annum: *Provided further*, That reports be submitted to the Congress on the 1st day of July and January showing the names of the persons employed hereunder, the annual rate of compensation or amount of any fee paid to each together with a description of their duties.

Mr. CARTER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. CARTER: Page 62, line 11, strike out "\$575,000" and insert in lieu thereof "\$400,000"

Mr. CARTER. Mr. Chairman, my amendment proposes to reduce the amount available for special attorneys from the figures carried in the bill, \$575,000, down to \$400,000. Last year there was carried in the appropriation bill \$650,000 for this purpose; therefore it was scaled down by the committee \$75,000, and I thought at the time we made this reduction it should be reduced to at least \$300,000. If you will turn to the hearings, beginning on page 361, you will find a list there of these special attorneys covering more than three pages. What their specific duties are, we do not know. In fact, there is a provision in this bill requiring the Department to make a report to the Congress as to just what these special attorneys are doing. Until such time as we have this report we should cut down on this amount, then if an additional sum is needed we can provide whatever is necessary for carrying on any work that is necessary to be carried on by these special attorneys.

Mr. COCHRAN. Will the gentleman yield?

Mr. CARTER. For a brief question.

Mr. COCHRAN. May I say that since the law has been enacted the Attorney General has made a report annually, and any time the gentleman or anyone else wants to see it, all he has to do is to go to the office of the Committee on Expenditures in the Executive Departments, and it will be found there. The report also states the duties the various assistants are performing.

Mr. CARTER. Mr. Chairman, There are set out in the hearings some very general duties that these men are performing. We had this information before the committee,

but may I say to the gentleman from Missouri that the committee was not satisfied with the information? If it satisfies the gentleman, that is all very well, but it does not satisfy the membership of the committee; therefore we wrote that provision in this bill.

May I say that the Attorney General's office ought to be staffed sufficiently, and it ought to be staffed in the regular way. This appropriation has nothing to do with the regular staff of the Attorney General's office. It covers a group of attorneys that the Attorney General appoints personally here and there throughout the country. There has come to the committee certain rumors that many of these attorneys are doing very little for the compensation that they receive. If you scan this list, you will find that under "duties" will be stated "special matters." That is all that is stated about their duties—"special matters" or "special assignments made by the Attorney General." I think that this is a place in the bill where we can save a few thousand dollars without injuring the service rendered by the Government; and I trust that the Committee will adopt my amendment.

Mr. COCHRAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. CARTER].

Mr. CALDWELL. Mr. Chairman, will the gentleman yield? Mr. COCHRAN. I yield to the gentleman from Florida.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COCHRAN. Mr. Chairman, it seems to me, if the committee really wanted to know what the special attorneys are doing, all they had to do was ask the Department for a detailed report. I do not believe the Committee on Appropriations has ever asked a Government agency for detailed information and met with a refusal to supply it. The departments respond to all such requests.

What do the attorneys do? Our courts now are choked with cases. The district attorneys and many of the judges are working night and day. There has been vast improvements where very large sums are being spent in the gentleman from California's own section mainly, around Oakland and Alameda. One of the jobs for a special attorney is, when there is a large tract of land to be taken over, where there are any number of property owners, he must examine the titles and also go before the court in condemnation proceedings. Instead of piling all this work on the United States attorney and his assistants, a special assistant is appointed to handle such cases, and as soon as it is completed he is separated from the service or assigned to other special duties.

There are cases that have been delayed in the courts for a period of years, where a special assistant has spent months and months studying the facts and preparing for trial. He appears in court and takes care of that case in lieu of the district attorney. He also goes before the circuit court of appeals and at times the Supreme Court on the same case.

The gentleman from California [Mr. CARTER] refers to the hearings. I note one special assistant is in charge of what is known as the California movie cases, which involves alleged criminals charged with violating the internal revenue laws. I understand in that case the Government might collect millions in additional taxes. This one case, if it is successful, will bring in enough to pay all the assistants for years. We have a new and most able Attorney General, a man who has just taken over the office. Give him a chance and at least let him have the amount the committee has recommended [Applause.]

Mr. WALTER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER to the amendment offered by Mr. CARTER: Strike out "\$400,000" and insert in lieu thereof "\$650,000."

Mr. WALTER. Mr. Chairman, this amendment merely restores to the bill the amount recommended by the Bureau

of the Budget. I believe the committee could not have suggested a poorer place in this bill to attempt to economize. For a number of years the Committee on the Judiciary has had under consideration bills that provide for compensation for attorneys who are selected to perform special services. Just recently we considered the question of providing compensation of upward of \$100,000 in a certain case. Unless we make it possible for the Attorney General to retain men who are highly specialized in a particular line of work we are going to have such bills before us continually.

The work performed by the people who are compensated from this item is of a highly specialized nature. I call the attention of the Committee to the fact that last year a man especially selected to prosecute a tax case recovered \$11,000,000 where the regularly employed assistant in the Department of Justice lost the case in the court of original jurisdiction. It seems to me the work done in that case alone justifies the Committee in restoring the amount the Budget felt is necessary for this work.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Michigan.

Mr. MICHENER. The attorneys who were employed in that case had an arrangement with the Department of Justice that they were each to get the maximum fee of \$10,000, plus additional reasonable compensation.

Mr. WALTER. Yes.

Mr. MICHENER. After the case was all over and settled they came to Congress asking for a bonus of \$340,000 in addition, and that bill is now on the calendar.

Mr. WALTER. Precisely.

Mr. MICHENER. And the gentleman favors giving it to them.

Mr. WALTER. I cannot yield further.

This is a practice that has existed for a number of years. When the newly selected Attorney General and the Solicitor General appeared before our committee last week they were interrogated about this practice. They said it would not go further. We feel there should be a stop put to it. After all, it is a pretty bad thing for the United States to give work to attorneys on a contingent-fee basis. If it is to be the policy of the new Attorney General to have a complete understanding with specially selected experts before they are retained in particular matters, we at the outset of this policy will cripple him if we take \$75,000 from the appropriation that the Department certainly can and does justify.

As far as the work is concerned that the men have done, it has been reported in detail in the report of the hearings. Of course, it has been impossible to describe in the report just exactly what the duties were, but, opening this copy of the hearings at random, I find here the name of a man on the roll at \$6,500 a year. This man handles matters involving trespass on public lands, Indian rights, and other miscellaneous matters in the trial section of the Land Division. I know this man has been busily engaged in that type of work, for which he is particularly qualified, ever since he was appointed. Of course, the particular cases he has tried are not enumerated, but this description of his duties is ample to show just exactly what he has been doing.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from California.

Mr. CARTER. Does not the gentleman from Pennsylvania believe it would be in the interest of orderly procedure and of better organization, if this man's services are needed, that he be appointed to the staff of the Attorney General? Should not all this work be handled through the regular staff of the Attorney General, with possibly a few exceptions?

Mr. WALTER. No; I do not agree with the gentleman because, after all, you will then find inadequately compensated lawyers called on to represent the United States in litigation in which on the other side are the best lawyers available.

Certainly the Government of the United States ought to be in a position to present the best possible case through the services of highly trained experts.

Much of this money is expended in patent cases, cases in which highly trained specialists are needed. They stack up



against men who are paid many times the per diem of the United States attorney. I believe that the attorneys for the United States employed in this type of work, receive less than \$25 a day. Out of this appropriation comes the compensation to pay some of the men engaged in this work.

I sincerely trust that at this time, when the Attorney General is going to make an effort to depart from the old system of compensating on a contingent basis, we do nothing that will interfere with his program. All of us have the highest regard for the Attorney General, and I, for one, feel confident that he will see to it that every cent we appropriate for his department will be wisely spent.

[Here the gavel fell.]

Mr. HARE. Mr. Chairman, I regret very much to have to differ with my congenial and good friend from California, a member of the committee, because in the short time it has been my privilege to serve with him in this special capacity I have learned to admire and respect his unusually good judgment, his sincerity and integrity in considering every item of this bill.

I can understand why this appropriation for employment of special attorneys by the Attorney General seems large, but when we take into consideration all the evidence before the committee, there are a number of times when the Government is in need of special talent, not simply legal talent but frequently the Government is called upon to defend or to prosecute cases in which additional qualifications are just as essential as a man's legal fitness; that is, he must be a man of highly technical training in order to represent the Government effectively and efficiently. Not infrequently it is necessary to employ lawyers who are expert civil engineers as well. My thought was, when this item was passed upon in the committee, that the amendment just voted down with reference to the milk investigation would be taken care of by this appropriation just as well as by increasing the appropriation at other places. I also had in mind the possibility of investigating an alleged monopoly in farm machinery and farm equipment. Now, the average lawyer would not be able to make this investigation. It would be necessary to get some attorney who is probably trained in engineering in order to make an investigation of this kind intelligently and effectively. He should certainly be familiar with the technique of the trade and industry, and this would be in addition to his legal training. However, I cannot go with my friend from Pennsylvania and say the appropriation should be increased, because the committee, after due consideration of all the evidence and all the facts presented, felt that this coming year with this appropriation, the Department of Justice should be able to handle all of these special investigations. Furthermore, I would like to call attention to the last provision in this paragraph, which states:

*Provided further*, That reports be submitted to the Congress on the first day of July and January showing the names of the persons employed hereunder, the annual rate of compensation or amount of any fee paid to each, together with a description of their duties.

To my mind this provision takes care of any possibility of the Department employing anyone and sending him out on a wild-goose chase or employing anyone where he would not render efficient service for the compensation received. On the 1st of July or the 1st of January, Congress would have the right to amend by resolution and say that none of this appropriation should be available for the purposes mentioned in the report, provided we should consider the money was being spent unwisely.

[Here the gavel fell.]

Mr. CALDWELL. Mr. Chairman, as stated, there are two amendments before the Committee, the first a proposal to reduce the appropriation to \$400,000 and the other to increase it to \$650,000. It seems to me that somewhere between those figures the Committee must be right. [Laughter.]

I sincerely respect the views of the gentleman from Pennsylvania [Mr. WALTER] and I may say that I sympathize with him in his argument. He is sound and able in nearly every respect—this being one of the few exceptions. The

Committee very carefully considered this question and in reducing the item from \$650,000 to \$575,000, we allowed enough funds for the Attorney General to handle efficiently and expeditiously the affairs of his office.

It is necessary to reduce these appropriations if we are going to ever reach the point of a balanced Budget. I sincerely hope both amendments will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania to the amendment offered by the gentleman from California.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. CARTER) there were—ayes 58, noes 71.

So the amendment was rejected.

The Clerk read as follows:

Probation system, United States courts: For salaries and expenses of probation officers, as authorized by the act entitled "An act to amend the act of March 4, 1925, chapter 521, and for other purposes," approved June 6, 1930 (18 U. S. C. 726), \$810,000: *Provided*, That no part of this appropriation shall be used to defray the salary or expenses of any probation officer whose work fails to comply with the official orders, regulations, and probation standards promulgated by the Attorney General: *Provided further*, That no funds herein appropriated shall be used to defray the salary or expenses of any probation officer unless the district judge shall have so far as possible required the appointee to conform with the qualifications prescribed by the Attorney General: *Provided further*, That nothing herein contained shall be construed to abridge the right of the district judges to appoint probation officers, or to make such orders as may be necessary to govern probation officers in their own courts.

Mr. CALDWELL. Mr. Chairman, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CALDWELL: Page 68, line 7, after the total, strike out the colon, insert a period, and strike out the remainder of the paragraph.

Mr. CALDWELL. Mr. Chairman, the first proviso might by itself accomplish a useful purpose, but coupled with the third proviso they neutralize each other, and I think all of the language ought to go out. I am informed that this committee amendment has the approval of the Committee on the Judiciary of the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was agreed to.

The Clerk read as follows:

Structural and mechanical care of the building and grounds: For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the act approved May 7, 1934 (40 U. S. C. 13a-13d), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances, special clothing for workmen; purchase of waterproof wearing apparel; and personal and other services, and for snow removal by hire of men and equipment or under contract without compliance with sections 3709 and 3744 of the Revised Statutes (41 U. S. C. 5, 16), \$65,000.

Mr. CALDWELL. Mr. Chairman, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CALDWELL: Page 72, line 14, after the comma after the word "services", insert "including temporary labor without reference to the Classification and Retirement Acts, as amended."

Mr. CALDWELL. Mr. Chairman, this language was inadvertently omitted by the committee. It takes certain employees of the Supreme Court from under the civil-service classification.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Salaries: Chief justice and four judges; chief clerk at not exceeding \$6,500; auditor at not exceeding \$5,000; and all other officers and employees of the court, \$127,500.

Mr. HARE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HARE: Page 74, line 10, after the word "court", strike out "\$127,500" and insert "\$127,660."

Mr. CALDWELL. Mr. Chairman, the amendment accomplishes the purpose the committee had in mind.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 501. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

Mr. REED of New York. Mr. Chairman, I offer the following motion, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. REED of New York moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

Mr. REED of New York. Mr. Chairman, I hope I may have the attention of the House. I do not want this Congress or the people of the country to be misled by this so-called housing census. I want the country and the Congress to differentiate between the housing census and the regular census. Whether the Congress is aware of it or not, the people are fully aware that they are being imposed upon by a proposed census that is to be taken on April 1 under the guise of inquiring into the housing conditions of the United States. It was never the intention of the Congress to pry into the personal affairs of people, as it is now revealed it is proposed to do under the questions which have been prepared for the regular political enumerators, which will require every person above 18 years of age to answer and which inquire into their personal incomes. I want to disabuse the minds of the Members of this House as to the correctness of the statement that Harry Hopkins sent out to the public. He would lead you to believe and lead the people of the country to believe that these questions have been asked before in previous censuses taken in this country; and yet, if you will read his document sent out, you will find that he states there that for the first time these questions relating to income are to be asked. The questions pry into that in every conceivable way. The people do not object to the regular census so long as it keeps off this question of income, earnings, commissions, and all of these private affairs. I am telling you that the people are up in arms. You never intended, and the committee that reported out this bill never intended, that these questions should be asked; and let me point out to you that these questions have to be answered under the pain and penalty of \$100 fine or 6 months in jail, or both.

I think the people are going to be in absolute revolt on this matter. My mail was never heavier on any question, except the court fight, than it is now. I have already heard from 11 States, from State-wide organizations, from Legion organizations, from a Veterans of Foreign Wars post, from many patriotic organizations. They resent and protest. They are preparing petitions, and you will hear from them. This proposed housing act, which would involve an expenditure of \$800,000,000, you voted down, and this present Census Housing Act is predicated on that act. When two writers went to the Bureau of the Census and asked the character of the questions, two articles in two different publications were published, and in neither of these did the questions in regard to income appear. In fact, the Bureau of the Census at that time never suspected that they would be forced to insert the snooping questions, contrary to the spirit and language of the Census Act. I do not know whether it was Harry Hopkins or Nathan Straus, or who it may have been, who made the demand, but it does not harmonize with the liberties and traditions of our constitutional form of government. I say to you it places us in a ridiculous position to come in here and ask us to appropriate money for the Dies committee to investigate subversive

activities in this country and then find ourselves going into a snooping game comparable to the dictatorial processes that you see abroad. Now is the time to stop this. We tried the other day. I know that you Members of Congress fail to realize the significance of this. In one dictatorial country today they have a curfew sound, and, under penalty of fine and imprisonment, no person can leave his home during that day until the officers can go in and examine into the private affairs of that house. Are we going further along this totalitarian line or are we going to stop it now? Why spend this \$8,000,000 when you are making a gesture of retrenchment? Why spend it now to take these census takers from their legitimate jobs and force them into this position where they become a stench in the nostrils of every American citizen? You have it in your power to stop it, and you ought to stop it. You were not for it in the beginning. I ask you as patriotic Americans to examine the list of inquisitorial questions that have been crowded and crammed and forced into this census questionnaire. I want you to read the penalties involved, to the end that you will not make any mistake when you vote on this question, which I think you will have an opportunity to do this very day.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. I yield.

Mr. GIFFORD. Does the gentleman recall the colloquy I had with the leader on the Democratic side relating to looking under the bed if there had not been any privies?

Mr. REED of New York. I do not recall it.

Mr. GIFFORD. Now, if they want to inquire how many privies there are, or there does not happen to be one on the premises, must they look under the bed to find all that money, if they are refused?

Mr. REED of New York. I just want to say to you if you will read the RECORD of yesterday, I just took a few excerpts from letters from the finest group of Americans you can find in this country. They do not object to the regular census, but they rebel against being made the victims of bureaucratic tyranny.

Mr. GIFFORD. Was that privy question in previous census takings?

Mr. REED of New York. Of course it was not, and many more questions that in intent and purpose seek to pry into the intimate affairs of the people.

I urge you, now that you have an opportunity to stop this communistic, totalitarian trend, that you stop it now. [Applause.]

Mr. Chairman, I call your attention to an excerpt from a letter written to me by a young married woman in Olean, N. Y., protesting against the personal-affairs phase of the coming census. The youth of our land is not insensible to the abuse and indignity involved in this subtle totalitarian technique to evade the spirit and the letter of our Bill of Rights:

DEAR CONGRESSMAN REED: I am writing to assure you that you have many strong supporters among the younger element of your district in regard to the bill you recently introduced before Congress to repeal the housing portion of the April population census.

I am 19 and my husband is 23. Although the general opinion is that the American youth does not appreciate fully his liberties and advantages, I am inclined to disagree. At home my husband and I often speak of our thankfulness that God allowed us such a wonderful homeland. In the company of boys and girls our own age or of our fathers' and grandfathers' generation, the same feeling is prevalent constantly. Perhaps the war in Europe has brought to light this close-knit, heartfelt Americanism—but it has always been there. I believe that is why there is such widely demonstrated resentment concerning the forthcoming German roll call, the census.

When I began to realize my existence as an individual, I also realized that I was allowed to think according to my own tenets. I learned to respect the intelligence of my neighbor and to love veracity. In school I discovered that I was a part of my own Government and that for years men had lived and died to build this Government before me that I might enjoy the freedom a man had a right to own. A sensation of well-being has been mine since I learned that.

Mr. Chairman, a record vote this afternoon on the motion to recommit this census appropriation will disclose to every true American where each Representative in Congress stands on this important issue.

[Here the gavel fell.]



Mr. REED of New York. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Without objection, the motion is withdrawn.

There was no objection.

Mr. CARTER. Mr. Chairman, I ask unanimous consent to return to page 73 for the purpose of offering two minor amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. CARTER: On page 73, in line 15, strike out "\$105,700" and insert "\$105,780."

Mr. CALDWELL. Mr. Chairman, the committee has no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. CARTER: On page 73, in line 22, strike out "\$6,800" and insert "\$6,720."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent to return to page 37 for the purpose of offering an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. TABER. Mr. Chairman, reserving the right to object, I understand the gentleman wants to add "the District of Columbia," or some such words?

Mr. CALDWELL. It is the language that went out yesterday on a point of order made by the gentleman from New York [Mr. TABER]. If the gentleman will permit the amendment to be read for the information of the House, I think he will understand it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CALDWELL: On page 37, after the word "work" in line 17, insert "including personal services and rentals in the District of Columbia and elsewhere."

Mr. TABER. Mr. Chairman, the amendment should read "line 15, after the comma," instead of after the word "work," because the word "work" went out on the point of order.

Mr. CALDWELL. The gentleman is correct, but the words "and for the carrying on other authorized census work" were not subject to the point of order, but went out because they were incorporated in other language which did go out. Yesterday I wanted to propose the amendment to put back this language, but inadvertently passed it over.

Mr. TABER. The only thing is the word "work" is out.

The CHAIRMAN. The Chair will state to the gentleman that the word "work" is still in.

Mr. TABER. Very well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CALDWELL].

The amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore having resumed the Chair, Mr. BEAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under considera-

tion the bill H. R. 8319, the State, Commerce, Justice, and Judiciary appropriation bill, 1941, he reported the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not the Chair will put them en gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. TABER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TABER. I am.

The Clerk read as follows:

Mr. TABER moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with the following amendment: On page 38, line 16, strike out "\$17,859,000" and insert in lieu thereof "\$15,684,000"; and on page 38, line 20, strike out the period, insert a semicolon, and the following: "No part of the funds herein appropriated shall be used for the so-called housing census."

Mr. CALDWELL. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 65, noes 84.

Mr. TABER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 210, not voting 78, as follows:

[Roll No. 17]

YEAS—135

Alexander	Eaton	Keefe	Rodgers, Pa.
Allen, Ill.	Elston	Kinzer	Rogers, Mass.
Andersen, H. Carl	Engel	Kunkel	Routzohn
Anderson, Calif.	Englebright	Lambertson	Rutherford
Andresen, A. H.	Fenton	Lewis, Ohio	Schafer, Wis.
Andrews	Gamble	Luce	Secombe
Angell	Gartner	McDowell	Shafer, Mich.
Arends	Gearhart	McLean	Short
Austin	Gerlach	McLeod	Simpson
Ball	Gifford	Maas	Smith, Ohio
Bender	Gillie	Marshall	Springer
Bolles	Graham	Martin, Iowa	Stefan
Bradley, Mich.	Grant, Ind.	Martin, Mass.	Sumner, Ill.
Brewster	Guyer, Kans.	Mason	Taber
Brown, Ohio	Gwynne	Michener	Talle
Carlson	Halleck	Miller	Thill
Case, S. Dak.	Hancock	Monkiewicz	Thomas, N. J.
Chilperfield	Harter, N. Y.	Mott	Thorkelson
Church	Hartley	Mundt	Tibbott
Clason	Hawks	Murray	Tinkham
Clevenger	Hess	O'Brien	Van Zandt
Cluett	Hinshaw	Oliver	Vorys, Ohio
Cochran	Hoffman	Osmers	Vreeland
Cole, N. Y.	Holmes	Pittenger	Wadsworth
Corbett	Hope	Plumley	Wheat
Crawford	Horton	Polk	Wigglesworth
Crowther	Jeffries	Powers	Williams, Del.
Culkin	Jenkins, Ohio	Reed, Ill.	Wolcott
Curtis	Jenks, N. H.	Reed, N. Y.	Wolfenden, Pa.
Dirksen	Jennings	Rees, Kans.	Wolverton, N. J.
Disney	Johns	Rich	Woodruff, Mich.
Ditter	Johnson, Ill.	Risk	Youngdahl
Douglas	Jones, Ohio	Robsion, Ky.	
Dworshak	Kean	Rockefeller	

NAYS—210

Allen, La.	Burch	Cox	Ellis
Allen, Pa.	Burdick	Cravens	Evans
Anderson, Mo.	Burgin	Creal	Faddis
Barnes	Byrns, Tenn.	Crosser	Fay
Barry	Byron	Crowe	Ferguson
Bates, Ky.	Caldwell	Cullen	Flaherty
Beam	Cannon, Mo.	Darden	Flannagan
Beckworth	Carter	Delaney	Flannery
Bland	Casey, Mass.	Dempsey	Folger
Boehne	Chapman	DeRouen	Ford, Leland M.
Boland	Claypool	Dickstein	Ford, Miss.
Boren	Coffee, Nebr.	Dingell	Ford, Thomas F.
Boykin	Coffee, Wash.	Doughton	Fries
Bradley, Pa.	Cole, Md.	Doxey	Fulmer
Brooks	Colmer	Drewry	Gathings
Brown, Ga.	Connery	Duncan	Gavagan
Bryson	Cooley	Dunn	Gibbs
Buck	Cooper	Eberharter	Gore
Buckler, Minn.	Costello	Edmiston	Gossett
Bulwinkle	Courtney	Elliot	Grant, Ala.

Green	Kramer	O'Toole	Smith, Va.
Gregory	Lanham	Pace	Smith, Wash.
Hare	Larrabee	Parsons	Smith, W. Va.
Harrington	Lea	Patman	Snyder
Hart	Leavy	Patton	Somers, N. Y.
Harter, Ohio	Lemke	Pearson	South
Havenner	Lesinski	Peterson, Fla.	Sparkman
Healey	Lewis, Colo.	Peterson, Ga.	Spence
Hill	McCormack	Pfeifer	Starnes, Ala.
Hobbs	McGehee	Poage	Summers, Tex.
Hook	McKeough	Rabaut	Sutphin
Houston	McLaughlin	Ramspeck	Sweeney
Hull	McMillan, Clara G.	Randolph	Tarver
Hunter	McMillan, John L.	Rankin	Tenerowicz
Izac	Maclejewski	Rayburn	Terry
Jarman	Mahon	Richards	Thomas, Tex.
Johnson, Lyndon	Maloney	Robertson	Thomason
Johnson, Okla.	Mansfield	Robinson, Utah	Tolan
Johnson, W. Va.	Marcantonio	Rogers, Okla.	Vincent, Ky.
Jones, Tex.	Massingale	Romjue	Vinson, Ga.
Kee	May	Ryan	Walter
Kefauver	Merritt	Sabath	Ward
Keller	Mills, Ark.	Sacks	Weaver
Kelly	Mills, La.	Satterfield	West
Kennedy, Martin	Monroney	Schaefer, Ill.	Whelchel
Kennedy, Md.	Moser	Schuetz	White, Idaho
Kennedy, Michael	Murdock, Ariz.	Schulte	Whittington
Keogh	Myers	Scrugham	Williams, Mo.
Kerr	Nichols	Shanley	Wood
Kilday	Norrell	Shannon	Woodrum, Va.
Kitchens	O'Connor	Sheridan	Zimmerman
Kleberg	O'Leary	Smith, Conn.	
Kociakowski	O'Neal	Smith, Ill.	

## NOT VOTING—78

Arnold	Durham	Kirwan	Sasscer
Barden	Fernandez	Knutson	Schiffler
Barton	Fish	Landis	Schwert
Bates, Mass.	Fitzpatrick	LeCompte	Secrest
Bell	Garrett	Ludlow	Seger
Blackney	Gehrman	McAndrews	Sheppard
Bloom	Geyer, Calif.	McArdle	Smith, Maine
Buckley, N. Y.	Gilchrist	McGranery	Steagall
Byrne, N. Y.	Griffith	Magnuson	Stearns, N. H.
Camp	Gross	Martin, Ill.	Sullivan
Cannon, Fla.	Hall, Edwin A.	Mitchell	Taylor
Cartwright	Hall, Leonard W.	Mouton	Treadway
Celler	Harness	Murdock, Utah	Voorhis, Calif.
Clark	Hendricks	Nelson	Wallgren
Collins	Hennings	Norton	Warren
Cummings	Jacobsen	O'Day	Welch
D'Alesandro	Jarrett	Patrick	White, Ohio
Darrow	Jensen	Pierce	Winter
Dies	Johnson, Ind.	Reece, Tenn.	
Dondero	Johnson, Luther	Sandager	

So the motion to recommit was rejected.  
The Clerk announced the following pairs:  
On this vote:

Mr. Blackney (for) with Mr. Luther A. Johnson (against).  
Mr. Seger (for) with Mr. Hennings (against).  
Mr. Gross (for) with Mr. D'Alesandro (against).  
Mr. Darrow (for) with Mr. Bloom (against).  
Mr. Treadway (for) with Mr. Collins (against).  
Mr. Fish (for) with Mr. Secrest (against).  
Mr. Dondero (for) with Mr. Fitzpatrick (against).  
Mr. Jarrett (for) with Mr. McAndrews (against).  
Mr. Knutson (for) with Mr. Taylor (against).  
Mr. Barton (for) with Mr. Warren (against).  
Mr. Reece of Tennessee (for) with Mr. Byrne of New York (against).  
Mr. Jensen (for) with Mr. Sullivan (against).  
Mr. White of Ohio (for) with Mr. Fernandez (against).  
Mr. LeCompte (for) with Mr. O'Day (against).  
Mr. Leonard W. Hall (for) with Mr. Geyer of California (against).  
Mr. Bates of Massachusetts (for) with Mr. Celler (against).  
Mr. Harness (for) with Mr. Camp (against).  
Mr. Sandager (for) with Mr. Buckley of New York (against).  
Mr. Winter (for) with Mr. Schwert (against).  
Mr. Landis (for) with Mrs. Norton (against).  
Mr. Johnson of Indiana (for) with Mr. Barden (against).  
Mr. Smith of Maine (for) with Mr. Clark (against).  
Mr. Edwin A. Hall (for) with Mr. Griffith (against).

## Until further notice:

Mr. Garrett with Mr. Gilchrist.  
Mr. Mouton with Mr. Welch.  
Mr. McArdle with Mr. Gehrman.  
Mr. McGranery with Mr. Steagall.  
Mr. Walgren with Mr. Hendricks.  
Mr. Ludlow with Mr. Kirwan.  
Mr. Sasscer with Mr. Dies.  
Mr. Bell with Mr. Martin of Illinois.  
Mr. Voorhis of California with Mr. Jacobsen.  
Mr. Nelson with Mr. Durham.  
Mr. Magnuson with Mr. Mitchell.  
Mr. Patrick with Mr. Arnold.  
Mr. Cartwright with Mr. Murdock of Utah.  
Mr. Cannon of Florida with Mr. Cummings.  
Mr. Sheppard with Mr. Pierce.

The result of the vote was announced as above recorded.

LXXXVI—80

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed, and a motion to reconsider was laid on the table.

## EXTENSION OF REMARKS

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their own remarks on the State, Commerce, Justice, and Judiciary appropriation bill, 1941.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McLEAN and Mr. BENDER asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include therein a brief letter.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. HULL. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include therein excerpts from the hearings on the Department of Justice bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. McDOWELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article on stream pollution.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein an editorial from the Utica Sentinel, of Utica, Mich.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a broadcast made by me at Portland, Maine, on Saturday, January 27 last.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

## ANNOUNCEMENT

Mr. WHITTINGTON. Mr. Speaker, on the last roll call my colleague the gentleman from Mississippi, Mr. COLLINS, was unable to be present. Had he been present, he would have voted "nay" on the motion to recommit.

## PROCUREMENTS WITHOUT ADVERTISING

Mr. COCHRAN. Mr. Speaker, after having conferred with the ranking member on the Committee on Expenditures, I ask unanimous consent to recommit to the committee the bill (H. R. 8152) providing for procurements without advertising.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from the N. Y. A. administrator in Kansas.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas [Mr. HOUSTON]?

There was no objection.



Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington [Mr. COFFEE]?

There was no objection.

Mr. MYERS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from the Izaak Walton League.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. MYERS]?

There was no objection.

Mr. SHANLEY asked and was given permission to extend his own remarks in the RECORD.

#### ANNOUNCEMENT

Mr. KEE. Mr. Speaker, I desire to announce that the gentleman from New York [Mr. BLOOM] is ill at home and unable to be present today. Had he been present on the vote just taken he would have voted "nay" on the motion to recommit.

#### EXTENSION OF REMARKS

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from the National Audubon Society.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin [Mr. BOLLES]?

There was no objection.

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article on the good-neighbor policy.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. CROWTHER]?

There was no objection.

#### ANNOUNCEMENT

Mr. D'ALESSANDRO. Mr. Speaker, I was detained on an investigation at Blue Plains. Had I been present I would have voted "nay" on the motion to recommit.

#### INTERPRETATION OF THE TARIFF ACT OF 1930

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent to address the House for 7 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska [Mr. McLAUGHLIN]?

There was no objection.

Mr. McLAUGHLIN. Mr. Speaker, I have today introduced a bill (H. R. 8367) for the purpose of correcting a situation which has arisen because of a recent interpretation of a paragraph of the Tariff Act of 1930 by the Court of Customs and Patent Appeals. This bill is an emergency measure of such widespread interest and effect, and concerns such an important problem, that I have asked for this time to explain the measure briefly in order to acquaint the membership with its aims and purposes. In the city of Omaha, Nebr., the United States Brush Co., a local industry, is engaged in the business of manufacturing toilet brushes which are used in the beauty and cosmetic industry for the application of nail polish in manicuring work. These brushes are sold widely throughout the entire country to the beauty and manicuring business. The industry in Omaha employs directly in the manufacture of toilet brushes more than 200 persons whose sole source of livelihood is employment in that industry.

The industry is an important factor in the city of Omaha in relieving unemployment to the extent of the number of persons which it employs. The industry started there from small beginnings and has grown under local supervision to its present proportions.

The Tariff Act of 1930 contains a provision imposing a tax of 1 cent each and 50 percent ad valorem on toilet brushes of a certain character. Up until February of 1939 it was generally accepted as fact and law that the manicure toilet brushes manufactured by the United States Brush Co. of Omaha were of the type described in paragraph 1506 of the Tariff Act of 1930, and that any brushes sought to be imported from foreign countries similar thereto carried the tariff duty of 1 cent each and 50 percent ad valorem. In

February 1939 the Customs Court of New York, in interpreting paragraph 1506 of the Tariff Act of 1930, held that brushes practically and substantially identical with the brushes manufactured by the United States Brush Co., but which were manufactured in Japan and imported into this country, were not toilet brushes so as to carry the tariff of 1 cent each and 50 percent ad valorem, but that these identical Japanese brushes were in fact what is designated as hair pencils, so that they carried the duty imposed by the act of 1930 on hair pencils. The duty on hair pencils, instead of being 1 cent each plus 50 percent ad valorem, is only 40 percent ad valorem. This interpretation of the existing tariff provisions, namely, paragraph 1506 of the Tariff Act of 1930, had the effect of so reducing the tariff on imported Japanese brushes that they could be imported into this country and sold at so low a figure as to make it impossible for the United States Brush Co. to compete with them in the market. This interpretation of the tariff by the customs court has now been affirmed by the Court of Customs and Patent Appeals, and in its opinion the court states that its interpretation is in line with the wording of the Tariff Act, and that the only relief which the American manufacturer of toilet brushes can obtain is such relief as the Congress sees fit to give it by clarifying its intention as to what should be covered by the term "toilet brushes."

Mr. McCORMACK. Will the gentleman yield?

Mr. McLAUGHLIN. I am always glad to yield to the gentleman from Massachusetts.

Mr. McCORMACK. About 2 years ago we had a similar case of a factory in Massachusetts just outside of Haverhill, I think in the district of my colleague from Massachusetts [Mr. BATES], in which there was produced woolen felt hats. The customs court rendered a decision which said that the higher duties imposed were contrary to law. As a result of that, we took care of the situation along the same line the gentleman is advocating now.

Mr. McLAUGHLIN. I thank my distinguished colleague for his valuable contribution, and I trust that as a member of the Ways and Means Committee he will assist in taking care of this situation.

It is obvious that the American manufactured article and the Japanese manufactured article are intended to be within the classification of toilet brushes, but because of the fact that these brushes, which are used for toilet purposes, were not in common use at the time the act of 1930 was passed, the intention of Congress was not explicitly stated in the act.

The purpose and intention of the bill which I have today introduced is to clarify the Tariff Act of 1930 by amending paragraph 1506 so as to cause it to represent the real intention of the Congress. The bill is not a new tariff bill. It is not a bill to impose a new tariff duty. It will have the effect of giving the real intention, which should be given to the provision of the Tariff Act, which has been on the statute books since 1930.

To indicate the interest of the people of my home community in this bill it is only necessary to state that a petition signed by more than 65,000 citizens of Omaha has been addressed to the Congress, praying that the Tariff Act be so changed as to give to the home industry employing home people the protection which it is obvious the Congress intended that industry to have; a protection which will really protect by equalizing in part the difference in cost of production obtaining in Japan and the cost of production in the United States. In furtherance of fairness and justice it is to be hoped that the Ways and Means Committee will act speedily upon this measure and report it favorably to the House in order that it may be passed and sent to the Senate for similar action at the earliest possible moment and thus save an American industry which is in great danger of destruction under the present interpretation of the Tariff Act of 1930. [Applause.]

[Here the gavel fell.]

#### EXTENSION OF CLASSIFIED EXECUTIVE CIVIL SERVICE

Mr. LEWIS of Colorado. Mr. Speaker, I call up House Resolution 217, and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 217

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 960, a bill extending the classified executive civil service of the United States. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Civil Service, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. LEWIS of Colorado. Mr. Speaker, I yield 30 minutes to the gentleman from Indiana [Mr. HALLECK], and at this time I yield myself 5 minutes.

Mr. Speaker, this is an open rule providing for 2 hours, general debate on the bill (H. R. 960) extending the classified executive civil service of the United States. The bill will be explained fully and in detail, by the distinguished author of the bill, the gentleman from Georgia [Mr. RAMSPECK], and I shall not attempt to go into it in the consideration of the rule; however, certain other gentlemen will discuss it pro and con on this rule.

I reserve now the balance of the time on this side and suggest that the gentleman from Indiana use some of his time.

Mr. HALLECK. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I am going to try in my time to say something about this bill and what is in it, because I have an idea that there are a great many Members who have not had an opportunity to read the hearings or to familiarize themselves with the provisions of the bill.

In the first place, I believe it is fair to say that this bill would permit, as distinguished from require, the President to bring into the civil service, employees in agencies that are now outside the civil service. It would apply to entire agencies that are now outside the civil service or to parts of agencies that are now outside the civil service.

The President now has authority in certain instances by Executive order to bring positions into the civil service. But it has been ruled by the Attorney General that when the Congress of the United States, in creating a new agency, specifically exempted the positions in that agency from civil-service law and the Classification Act there is no power by which the President, as the law now stands, can bring those employees into the civil service. Title I of the bill is calculated to overcome that deficiency and to invest in the President the discretionary authority to bring those employees under the civil service.

Title II of the bill seeks to extend the provisions of the Classification Act of 1923 to the field service. The Civil Service Act is one thing. That is the part of the law that sets up the method of selection and the rules by which employees are selected and come under the civil service. The Classification Act of 1923 fixes the grade and salary of the employees in the civil service who are subject to the operation of the Classification Act. As now written the Classification Act applies only to a part of the civil-service employees in the District of Columbia. Title II of this bill seeks to apply the provisions of the Classification Act to the field service generally over the country, to the end that inequality or alleged inequality shall be wiped out.

As stated by the Civil Service Commission sometime ago—

The Classification Act of 1923 to the extent that it is applicable is a fitting and necessary supplement to the Civil Service Act of 1883. These two statutes constitute the foundation for the development of an efficient employment policy in that one statute requires open competition among qualified persons in filling vacancies and the other requires equal and appropriate compensation to be paid the appointees to such vacancies.

The opposition to this bill will fall generally into two classes: First, this bill will be opposed by those who believe in the patronage system, or the spoils system, as against the

merit system. It will be opposed by those who hold, for instance, that a Member of Congress knows more about the qualification of a person for a Government job than can be determined by any sort of an examination that may be fixed or determined.

Then there will be opposition to this bill from those who believe in the merit system in Government service as against the patronage system, who want to see the merit system extended and who have fought for that and stood for that but who believe, honestly and conscientiously, that this bill, as it is now drafted, is not a fair or equitable extension of the merit system.

I believe in the merit system. Such opposition as I have to this bill is of the sort that brings me in the second category. I have given more than lip service to the extension of the merit system. I voted for the postmaster bill and have voted time and again to strike out provisions avoiding the Civil Service Act in measures before us. I may say, not altogether too facetiously, that in the past years here in Washington you have heard a lot of pious talk about the merit system, but time after time when measures have come before this House to be voted on to determine whether or not we should extend the merit system or follow the patronage system the patronage system has almost invariably won out.

I stand for the merit system because I believe, by and large, it gets for the Government service the best people. I believe that people coming into the Government service in many of these positions should have the protection that a permanent tenure gives them. These are some of the reasons why I believe in the extension of the merit system.

As I suggested a moment ago, to me the strange thing is that we have gone along in this House considering bill after bill to create new agencies or to continue the lives of old ones, and time after time, even running down through 1939, in the last session of Congress, whenever that issue has been presented we have found the Members on the side of the aisle to my right standing up in sufficient numbers to take the merit system out of the provisions of the act. We did that in 1937 and subsequently in 1938 in regard to the Federal Surplus Commodities Corporation. In 1939 we did it for the Farm Security Administration. In 1939 we did the same thing for the W. P. A. and the P. W. A. In 1938 and in 1939, when we reenacted the Agricultural Adjustment Act, we did the same thing again.

Therefore, I am frank to confess that I am a little overcome at the tremendous anxiety which seems to motivate so many people now in their support of this bill. I wonder if it stems partly from the fact that 1940 is here, with all that November of this year portends. Jobs were filled outside the civil service, and now, when it seems that the political situation will be reversed, we find all of this effort to bring all these people within the purview of the Civil Service and Classification Acts. One might well question whether all this newfound devotion to the merit system is altogether in good faith.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. I recognize the gentleman from Indiana as a very hard-working and conscientious member of the committee of which I am a member. May I ask the gentleman, however, if he does not believe that he perhaps makes a misstatement when he says there has not been an extension of the merit system under the so-called Roosevelt administration?

Mr. HALLECK. Well, I may say that during the last 7 years such Executive orders and statutes as have been made to bring employees under the civil service fade into insignificance when compared with the tremendous number of employees who have been brought into the Government under the operation of the patronage system.

This bill has been around for years, and it does seem a little strange to me that there is such tremendous interest in it just at this particular time.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. Yes; briefly.



Mrs. ROGERS of Massachusetts. And is it not very strange that action is taken upon the bill today before the committee headed by Mr. Justice Reed makes its report as to how the civil service could be improved, and also before the President's Committee for Civil Service Improvement, of which the gentleman from Georgia [Mr. RAMSPECK] is a member, has made its report and also before the Council for the Improvement of the Civil Service has made any real report?

Mr. HALLECK. I assume that the statement of the gentleman from Massachusetts is correct, although I am not altogether familiar with those matters.

There are many who argue that this bill is not, after all, an extension of the merit system but that it is in truth and in fact a perpetuation of the operation of the spoils system or the patronage system that has heretofore been in vogue.

[Here the gavel fell.]

Mr. HALLECK. Mr. Speaker, I yield myself 3 additional minutes.

Witnesses came before our committee and they started out by saying that they wanted to see this job of the extension of the merit system fairly done. They were realistic enough to understand and to know that unless the job is fairly done and equitably done, probably it will not stand the test of time, and I think that is one thing we should constantly keep in mind as we consider this bill and the specific provisions of the bill.

I recognize that no party that has ever been in power in this country has been "simon pure" in respect of the extension of the merit system. I am perfectly willing to confess that for my own part, although I will debate and contend with anyone as to the relative extensions of the merit system brought into the Government by my party as distinguished from any other party. Possibly this is the best we can hope for. But we have never in the history of this country seen any such grand-scale effort as this. If some of the things we have had heretofore have been a small dose, believe me, this is a rather large dose. Somebody said to me he thought maybe we had been guilty of petty larceny. Well, if we have been guilty of petty larceny, believe me, this is grand larceny. [Laughter.]

This bill will affect in the neighborhood of 300,000 employees; and there is another thing in connection with this bill that I would like to call to your attention. It affects not only permanent and established agencies of the Government, agencies that we expect will continue at least for some years as a part of our governmental operation, but it includes in addition thereto a lot of agencies that I am convinced are very temporary in their nature. I can see a lot more reason, if you please, for extending the civil service on a rather large scale to the more or less permanent agencies of the Government as distinguished from those which are clearly temporary. The positions of deputy collector of internal revenue and the positions of deputy United States marshal should clearly be under the civil service. Those positions are used definitely as a political-patronage device, and the work performed by all of them is such as to require a person who can be definitely trusted and who devotes his entire time to the service rather than the prosecution of political ends; but I wonder whether or not that same argument can be made for the Disaster Loan Corporation or the Golden Gate International Exposition Commission, the New York World's Fair Commission, the Work Projects Administration, the National Youth Administration, the National Resources Committee, or the National Emergency Council. That the committee recognized something in this direction is best evidenced by the fact that the W. P. A., by a committee amendment, is specifically exempted from the operations of this act.

Now, there is another question involved here that I think is of tremendous importance, and that has to do with the type of examination. The committee had a distinct difference of opinion as to whether or not the employees should be brought in under the competitive or the noncompetitive system. I think it is not improper to suggest that when the gentleman from Georgia [Mr. RAMSPECK] originally introduced this bill he provided in his bill for competitive exami-

nations. That is the sort of examination that a person must take when he first undertakes to obtain a classified status in the civil service. The hearings reveal the very frank statement of the chairman as to why that provision was abandoned.

[Here the gavel fell.]

Mr. HALLECK. Mr. Speaker, I yield myself an additional 5 minutes.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman please define a noncompetitive examination?

Mr. HALLECK. The gentleman from Minnesota has asked me the difference between a noncompetitive examination and a competitive examination. A noncompetitive examination requires a certain degree or type of examination calculated to determine in some degree at least the fitness of the holder of the position for the job. He does not compete with anyone else, and unless the Commission finds that he is incompetent to fill the job because he did not make a given grade he then may acquire a status under the civil service. A competitive examination is the rather extensive examination that is entered into by those who desire to be considered for the appointment in competition with other like persons. The three highest are certified, and then the selection is made from the three highest.

It is argued as against the competitive examination that too many people would fail. I think the Chairman of the Civil Service Commission indicated in his testimony that if we gave a competitive examination by this bill 75 percent of the incumbents in the jobs would be disqualified.

In connection with that I would like to say that as I heard the testimony and the arguments of those who are opposed to the competitive examination they were largely the arguments that will be made here by people who favor the patronage system as against the civil-service system; they were the arguments that it would cost too much money. They were the arguments that you cannot tell by an examination what the capabilities and abilities of a man are. They were the arguments of those who said that if we gave a competitive examination and a lot of people went out of jobs overnight, the service would be disrupted. As to disruption of the service, we went all through the last Congress on that basis, and then all at once the committee found that in the provisions of the bill, even if a person did not pass an examination, he would not necessarily lose his job; and the result has been a committee amendment which provides that if the person now holding the job does not pass a noncompetitive examination he shall be separated from the service at the end of 6 months.

Mr. AUGUST H. ANDRESEN. If it is a fact that 75 percent of the unclassified service fail to pass a competitive examination, it is quite evident that they are not fit to be in the Government service.

Mr. HALLECK. Of course, that suggestion has been made a good many times. I think, as a matter of fairness, that a person who has had one of these jobs and has experience of 3, 4, or 5 years, that person probably has some ability to do that job better than a new person coming in would have. I think that is elemental. I have always said that if competitive examinations are given credit should be given for experience. But, Mr. Speaker, if competitive examinations are right in the first instance, if we can tell by that examination who is the best person for the job, and if we want to improve the Government service by getting the best people in the job, then why should not competitive examinations be used here? I realize that there is political pressure and I realize that that sort of a bill might not get through, but I say we ought to meet this in principle and not in expediency, and meet it once for all.

Those of us who believe in the merit system are in a dilemma in respect to this bill. We would like to see a fair bill; we would like to see an extension of the civil-service system and the Classification Act; but the thing that disturbs us is this: Is this a fair bill? Is it the sort of a bill that represents an honest and equitable effort to extend the merit system in all government? If it is, then we ought to vote

for it; but, if it is not, a vote against it should not be construed as a vote against a true merit-system extension. If, as may be most forcefully argued, it is designed to bring political appointees into the civil service, load up the civil service, give those people a preferred status which they can use if their agency goes out of existence in trying to get into some other job, and otherwise is not an application of the true merit system, then I say it is not a fair bill and we should not vote for it. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Indiana has again expired.

Mr. LEWIS of Colorado. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FLANNERY].

Mr. FLANNERY. Mr. Speaker, I rise on a matter more personal than otherwise, and I ask the House to indulge me for 2 minutes.

An altercation has arisen in Pennsylvania about the W. P. A. administration, and that has been carried to the floor of this House. It was suggested here that in order to iron out the differences a conference be arranged of all parties in interest, and I suggested that the Governor of Pennsylvania, as one who had made the original charges of noncooperation, be invited. The Governor has seen fit in response to that to criticize me and attack me personally in his press conference. I merely want to comment briefly upon that. The Governor, apparently in response to my invitation, said that he wanted to go on record with reference to FLANNERY.

He said that in 1935 I was an ardent Republican and sought the Republican nomination for district attorney. I do not know just what bearing that would have on this were it true, but for the sake of the record I have been a registered Democrat all my life and I sought support for the Democratic nomination for district attorney in 1935. He further suggested that instead of finding fault with him I should try to do all I could for the men and women in Luzerne County on the W. P. A. I never found fault with the Governor, as the record will reveal, and I have been fighting for the help of the W. P. A. for Pennsylvania that the Governor says he wants, long before he entered the fray. Apparently the Governor lost his temper. It is unfortunate that he should have been led into making extravagant, intemperate personal remarks with respect to a matter that should be above personalities. I wish to make this observation. I do not believe that it is conducive to good if we go into the conference in the spirit of personal vengeance.

I trust the Governor will modify his attitude and approach this question in a calm, temperate, judicious manner as I have endeavored to do from the very beginning. This calls for statesmanship and cooperation—not abuse.

I thank you. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. HALLECK. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Speaker, this is one of the most important measures that has come before this Congress during this session.

This is not the real Ramspeck bill. The real Ramspeck bill provides for a competitive civil-service system. Most of the argument will resolve itself about that question. That is whether or not you are in favor of a real, honest, fair, competitive civil-service merit system, or whether this afternoon you want to again extend further power to the Chief Executive of this Nation and authorize him to blanket in, under noncompetitive examinations, some 300,000 politically appointed employees under your Government and mine—employees that the Congress of the United States deliberately kept out of civil service when they provided for the bureaus and commissions that are now being brought under this measure, if you see fit to vote for it.

This bill does not provide for a real, honest, fair competitive merit system. Oh, of course they tell you, "this has happened before." As far as I am concerned, this is not a political question. This measure should stand or fall on its merits, and I am saying to you that there never has been a

time in any administration when an attempt has been made to place thousands of employees under a so-called civil-service plan. If you pass this bill this afternoon you are injuring that very thing. If you will study this measure you will be convinced of it.

Not very long ago the President appointed a very important committee or commission to investigate the civil-service problems. Two members of that committee are members of the Supreme Court; yet this afternoon, before the President's own committee has an opportunity to report on this question our distinguished leaders on the other side of the aisle see fit to bring this measure to the floor of the House. I assume that you will support the rule, but you ought to vote it down. It is not fair to Congress, it is not fair to the people of this country for you to say to some 300,000 people who secured their jobs by political patronage, "You are now entitled to come under the civil-service system and be entitled to the same rights and privileges as those thousands who are in there now, who acquired their jobs by competitive civil-service examinations."

It seems to me you might just as well wipe the thing off the books and be done with it if this is the manner in which you are going to conduct civil-service affairs of this country.

I am in favor of fair, competitive civil-service examinations. If you want to give credit to those employees who are in there now by reason of their experience, well and good. As a matter of fact I think it should be done. But are you going to say to some 4,000,000 young men and women graduates of colleges and high schools all over this country, who have not had permanent jobs at all, "No; you do not even have a chance or a right, under our democratic form of Government to even compete for these jobs, because the Congress this afternoon decided that 300,000 politically appointed people are entitled to those jobs and are entitled to keep them, not so much because they are qualified, but because of their political affiliations."

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield for a question?

Mr. REES of Kansas. I will if I can have 1 more minute.

Mr. HALLECK. Mr. Speaker, I yield the gentleman 1 additional minute.

Mrs. ROGERS of Massachusetts. Is it not true also that there are nearly 1,000,000 people on the eligible civil-service list, eligible for appointment in the Government, who are now unemployed by the Federal Government? Surely we are not keeping faith with them.

Mr. REES of Kansas. Oh, that is true. We have thousands of those people who have already passed civil-service examinations and whose names are on the list, but they tell us, "Oh, they did not qualify for these particular jobs." Most of them are stenographers and clerks of various kinds, but they say, "We cannot give them consideration because they took an examination for the jobs that are already under civil service." So we let them go by and say to the folks that are now in, "You keep your jobs because this legislation is for you." If they can qualify for the jobs, let them have them, but they ought to be willing to compete with the fellow on the outside. They should be glad to do it.

I hope you will see fit to vote down this rule and let the committee bring in a real civil-service bill. I would suggest that the distinguished chairman of our committee bring in a bill similar to the one he recommended to this House 2 years ago. It was known as H. R. 2700 and provided for a competitive civil service merit system. [Applause.]

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I yield 6 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Speaker, I do not believe that a majority of this House will vote for the passage of this bill. Believing that, I can see no reason why we should take up the time of the House in consideration of a bill when the same end can be attained by defeating the rule immediately.



I want to read a portion of the first section of this bill:

That notwithstanding any provisions of law to the contrary, the President is authorized by Executive order to cover into the classified civil service any offices or positions in or under an executive department, independent establishment, or other agency of the Government.

The whole field, if you please. Finally, at the end of section 1, it does except the W. P. A.

This House has on many occasions reversed itself, of course, but since I have been here we have passed bills which by positive provision we said, "Jobs under this agency must be selected without regard to the Civil Service Act."

Now, if you pass this bill you wipe out every such provision that you, by your vote, put into a bill.

I have been accused on the floor of this House of being a spoilsman. That has never scared me. I think that under any system where a man is compelled to hold his position upon his ability to discharge the responsibilities of the position is a better system than a cloak of protection thrown around inefficiency. But, if I am a spoilsman, then I should be for this bill because the woods down in my district are full of good men holding positions in different Federal agencies by reason of my recommendation. If I just wanted to be selfish, and had no other reason, I would vote for this bill, but I am not going to. I know there is more inefficiency by reason of civil service in this Government than by any other reason. [Applause.] I know that honest, conscientious, civil-service employees will know that I am telling the truth when I say that a man under civil service who wants to do a day's work generally is hindered by the drones and hold-backs who discharge their duties inefficiently. This system which protects inefficiency should not be extended, to all departments of Government; rather we should adopt a system which would compel an honest and an efficient day's work, or discharge from the Government service.

Mr. CREAL. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I have very limited time; I cannot yield.

A very interesting article appeared in this morning's Times-Herald. It is headed "Hoover registers a point."

I quote:

F. B. I.'s Director, J. Edgar Hoover, has raised the charge of incompetence against the Civil Service Commission and the system of competitive selection of personnel under the Commission. \* \* \*

Hoover's charges are based on what he has said he has found to be the facts in cases less than 1 year old. He recounts that a woman employed in the Federal service applied for a job as typist and was certified February 1939. Hoover found she suffered hallucinations and delusions. Once she threatened to kill fellow employees with a pistol. Last July she was the object of an insanity complaint.

He found further that a convicted forger was certified to F. B. I. Another was an admitted Communist Party member (August 1939). He sought to be a fingerprint classifier. He concludes by saying:

"\* \* \* I think even the Civil Service Commission will admit that our procedure of selection and our merit system today is certainly as good as, if not better, than theirs. We have had no instances of scandals or corruption or inefficiency."

The present civil service is not a merit system. There is no provision in the present civil-service law which is carried out that compels people working under civil service to maintain a constant line of efficiency, and I challenge the record to show instances—there may be a few segregated ones—but I challenge the record to show where any person has ever been discharged from a civil-service position by reason of inefficiency, or their inability to do the job. [Applause.]

I think this rule ought to be defeated.

I am for a merit system and I would wholeheartedly support a bill, the purpose of which was to revise the present civil-service system so that it would become a merit system, by compelling that employees enjoying the protection of civil service would be required to maintain a constant line of efficiency, and if they fell a certain distance below that constant line that they should be automatically discharged and their promotion and advancement in salary should be gaged by the distance that they were able to go above by constant line of efficiency. A person takes examination, either competitive or noncompetitive, and has civil-service status. Under existing law, after that first examination there is never any other

examination given to ascertain whether or not they have remained as well qualified to hold the position as they were qualified at the time it was given to them. This applies as well to physical as mental examinations. I am perfectly willing that Government employees should be given some protection but I have always contended that they should first be compelled to maintain a certain standard that they were entitled to that protection.

There are many fine, conscientious people employed by the Federal Government under civil-service status, but it is my studied judgment that much of their work is hampered and that the offices in which they are working are reduced to a point of inefficiency, despite their good work, by those surrounding them who are content to do as little as possible and slumber secure in their cloak of protection furnished by their civil-service status.

Drones in the civil service will not like this statement. Those who are honest, conscientious, hard working, even though they have civil-service status, will in their own heart, if they do not publicly, agree with this position.

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I yield 6 minutes to the gentleman from Pennsylvania [Mr. MOSER].

Mr. MOSER. Mr. Speaker, I have a personal feeling somewhat of regret to come before my colleagues in opposition to a rule presumably well-considered by the Committee on Rules and brought here, because it is a committee that has my supreme confidence; yet I feel that the exigencies arising in this instance are such that I should oppose it. I advocate the rejection of the rule as the shortest method out of a bad situation.

I need not repeat that I am a typical product of the open competitive merit system of civil-service examination. I would rather confine myself to a bit of the history concerning this legislation. When I became a member of the House Committee on the Civil Service, our distinguished chairman had before it his bill, H. R. 2700, that embodied and dignified the idealism I had always associated with civil service for open competitive examination. I supported that bill wholeheartedly.

Among those who came before the committee to testify in opposition to the bill was Kenneth Vipond, of the Civil Service Commission; and when he was questioned, but questioned under my cross-examination as a witness, I drew out from him some of the very self-same evidence which was brought before this House through the Appropriations Committee 2 days ago and broadcast to the Nation in a coast-to-coast hook-up, and which was just referred to by the gentleman from Oklahoma [Mr. NICHOLS]. He testified that they would certify an ex-convict. He testified that they would certify such a man on the ground that he had made amends for his crime; that he considered the man had wiped out his offense against society and should be given a chance to make good. He testified that he would certify a man who had been arrested for and even convicted of a felony, in response to questionings by our late colleague the gentleman from New York [Mr. CURLEY].

The gentleman from Indiana [Mr. HALLECK], speaking with respect to the number who would fail in an open competitive examination, was doubtless quoting President Mitchell, of the Civil Service Commission, who estimated that only 20 to 25 percent would pass. An instance to which the gentleman did not refer was definite testimony before the committee with respect to the examination for the alcohol-tax unit. Mr. Vipond said the Congress did not hold that unit in high esteem and ordered by legislation an open competitive examination. He stated further that 65 percent of those people failed. I believe the gentleman from Indiana [Mr. HALLECK] will remember that.

In addition to the testimony before the Appropriations Committee by J. Edgar Hoover, may I say that the Civil Service Commission has certified to the Post Office Department for appointment as postmaster in my district, and remains adamant in its position, a woman who has been

actively identified with every Communist Front movement that has been in operation in my district, leading up to my projected kidnaping. I protested and made the statement to the Commission that under all civil-service law I ever knew and understood, they could not justify a rating of 78 percent for business training and experience for that candidate, when over a 5-month period prior to certification, according to photostatic copies of resolutions I turned over to the Civil Service Commission, referring the originals to the Committee on Foreign Affairs of this House, her activities were devoted to such communistic energies. Exactly the same statement that J. Edgar Hoover used, "We must accept them," is the evidence in my files from the Civil Service Commission in a case in kind. I maintain that a member of an organization advocating the overthrow of the Government of the United States, which I have come here and have sworn to uphold under the Constitution, should not be named and certified to the Post Office Department to consider for postmaster or any kind of a position of profit or honor under the Government of the United States under any circumstances.

With respect to the merits of this bill, there is so much I could talk about that I could talk on indefinitely. In the limited amount of time allotted to me, I feel I should not impose upon you, but I do want to say there is not a single phase of it I could not oppose on some civil-service ground. I do believe in the merit system. I have advocated it. It was my opportunity. I believe in the merit system honestly applied, under civil-service law, but I do not believe in the philosophy stated by some opponents of this bill, any more than I find it possible to agree with its proponents. I do not believe a Member of Congress is less able and qualified to select somebody that possesses sufficient merit to take a position that may be available to him under the patronage system. I do not believe he or she is less able to do that than the type of Civil Service Commission that is administering examinations such as I have decried, and such as is described by J. Edgar Hoover.

I wish I could go on and cite personal instances. I do want to bring to your attention an assertion that has been bandied about this House that the President had stated on the 3d of January that he favors the extension of this alleged type of merit system. I leave it to all my colleagues who heard it here. The President of the United States, from this rostrum, named among other ideals an extension of the merit system, but he did not under any circumstances advocate the adoption of this particular type of legislation, which, as has been so ably stated by the gentleman from Oklahoma [Mr. NICHOLS] circumvents and sets aside previous acts of Congress to the contrary notwithstanding. The President has said to me that "This Nation is still on a competitive basis," agreeing with me that competition is still the life of trade.

[Here the gavel fell.]

Mr. HALLECK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Speaker, this omnibus bill, H. R. 960, is a tremendously important bill, and I think the rule should be voted down. I have been a member of the Civil Service Committee for a longer period than any other member now on the committee, and I have always supported the merit system in the civil-service measures. Personally, I have always followed the civil-service rules in my appointments to Annapolis, in my appointments to West Point, and in the appointment of postmasters. I have always taken the first man on the list. I am heartily in favor of open competitive examinations. I believe in the merit system.

Mr. Speaker, I want to bring before the House in the brief time allotted me a most vital matter. Yesterday we spent a great deal of time arguing and voting against an appropriation for our United States representatives in Soviet Russia. We do not like what goes on in communistic, atheistic Russia. We have thousands of fine workers on our temporary rolls, but do you realize that among them we have employed by our Government today certain Communists and certain

persons who are hostile to our form of government? I do not believe we should take those people into the permanent employment of our Government or into the civil service and include them in our great army of Government workers wherein should be found only the finest type of people, men and women who are ready to defend the country. We should not employ people who are only willing to go into our navy yards, for instance, and into our various departments to get information that may be used against this country. A great deal of time should be spent in investigating the character and activities of those who have entered or who are to enter our Government service. We shall have only ourselves to blame if we freeze into our Government those who should not be there. The harm will be done after it is too late.

Mr. Speaker, I earnestly hope we will take plenty of time before passing a bill of this sort. [Applause.]

[Here the gavel fell.]

Mr. HALLECK. Mr. Speaker, I yield myself the balance of the time on this side.

Mr. Speaker, the gentleman from Pennsylvania raised a question as to the accuracy of the figures cited by me with reference to the estimated percentage of present employees who would probably be separated from the service or who would fail under a competitive examination. It is not very important, because there was not a great difference in the estimated percentage. However, you will find a statement by Mr. Mitchell, President of the Civil Service Commission, on page 3 of the hearings, in which he indicated that there was not much upon which to base an estimate, but he would say, roughly, that only 20 to 25 percent would retain their positions under a competitive examination.

Mr. LEWIS of Colorado. Mr. Speaker, I yield 12 minutes to the gentleman from Georgia [Mr. RAMSPECK], the author of this bill.

Mr. RAMSPECK. Mr. Speaker, I want to clear up a few things in the beginning that have been said by preceding speakers which did not clearly reflect the facts. Reference has been made to the Reed committee, and the impression left, through misunderstanding, I am sure, that the Reed committee is studying the question of bringing into the civil service employees that would be affected by this bill, which is not a correct statement of the purposes of the Reed committee. That committee is making a study of whether or not the President should be advised to bring into the civil service lawyers and technical employees whom he now has authority to bring in, an entirely different subject from that covered by the pending bill.

Mr. Speaker, our friends on the Republican side who are so pious this afternoon about the sanctity of the competitive examination had no hesitancy here in the regular session last year in voting these so-called patronage employees under the Hatch bill so that the Democratic politicians could not use them. My friend the gentleman from Indiana [Mr. HALLECK], for whom I have the highest regard, voted against recommitment of the bill and in favor of its final passage, as did my friend the gentleman from Kansas [Mr. REES] and the gentlewoman from Massachusetts [Mrs. ROGERS].

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Just for a question.

Mr. REES of Kansas. Does not the gentleman believe that was a good vote?

Mr. RAMSPECK. Yes; I voted the same way; but let us be consistent about it. Why does the gentleman quibble now about putting these people under the civil-service system so that the merit system can be carried out and the employees can be appointed hereafter by the competitive system? The gentleman acknowledges by his inconsistency that the thing he is interested in is the political question, and you hope you may hold them where you can replace them after the election in 1940. [Applause.]

Mr. REES of Kansas. There is nothing inconsistent about having them take competitive examinations.

Mr. RAMSPECK. Now I wish to go further with the question of competitive or noncompetitive examination. The



evidence taken before the committee on this bill shows that the president of the Civil Service Commission, the executive director of it, and the other officials testified there is no difference between a competitive and a noncompetitive examination insofar as the contents of the examination are concerned. The only difference is that the person taking the examination on a noncompetitive basis has to make only 70 points to qualify, whereas if he is in competition his chance of getting a position depends on his relative standing in comparison with the others with whom he competes. The contents of the examination are exactly the same.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I am sorry; I cannot yield. I do not have much time.

It is true that in the Seventy-fifth Congress I introduced a similar bill containing a provision for competitive examinations. We held exhaustive hearings on that bill. I could not get any support from anybody for the theory of competitive examinations. It was testified that it would disrupt the services of these agencies and that it would cost from \$6,000,000 to \$8,000,000 to hold the examinations. All witnesses who appeared before the committee contended that the only practical way to bring these employees under the merit system was by the noncompetitive system.

I call your attention to the fact that later during the Seventy-fifth Congress the President's Committee on Administrative Management reported and recommended the extension of the civil service upward, outward, and downward. A bill was brought in, reported by the House Committee on Reorganization, containing exactly in substance what this bill contains now. The reorganization bill on which we voted in 1938 and for which many of you on both sides of the aisle voted, contained in substance exactly what this bill proposes to do, to bring these positions under the merit system by noncompetitive examination.

I wish now to mention the charges made here in the name of J. Edgar Hoover. May I say that I have the highest respect for Mr. Hoover as Director of the Federal Bureau of Investigation. I believe in many respects he has done an outstanding job. However, Mr. Hoover does not believe in civil service. He believes as little in it as my friend the gentleman from Oklahoma [Mr. NICHOLS], who has just confessed to you that he does not believe in it at all.

Mr. Hoover has had a free hand in the Bureau of Investigation with the exception of the position of fingerprint classifiers. The Commission entered into an agreement with Mr. Hoover that he would do his own character investigation; yet he comes out and charges the Commission with certifying to him people with bad character, when he knows and has failed to disclose publicly the fact that it was done because he had agreed he would rather have his own employees make the character investigations, which otherwise would have been made by employees of the Commission.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Is not the gentleman mistaken in this, that insofar as the fingerprint employees are concerned they are certified by the Civil Service Commission, and all other employees are selected by Mr. Hoover's force?

Mr. RAMSPECK. The gentleman is correct. That is what I said.

Mr. NICHOLS. I beg the gentleman's pardon.

Mr. RAMSPECK. The employees referred to in the article from which the gentleman read are the only employees that are under civil service in the Bureau of Investigation. They are fingerprint classifiers. By agreement with the Commission Mr. Hoover was to investigate them himself. Of course, they are certified to him without investigation because the agreement was made that he would investigate them with his own people. Yet he turns around and criticizes the Commission for carrying out this agreement with him. I say it is an unfair criticism made by him to create prejudice against the civil service in the F. B. I.

I shall go further than that, since this question has been raised. Last year Mr. Hoover appeared before the subcommittee which has just left this floor this afternoon and, off the record, according to the statement made to me by the chairman of the subcommittee himself, charged the Civil Service Commission with sending white applicants to colored doctors for physical examination. There is not a word of truth in it because the Commission has no doctors. I think Mr. Hoover made that statement off the record to prejudice that committee, which was composed primarily of men from the South. It was a dastardly thing for him to do, and he ought not to have done it.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield.

Mr. RAMSPECK. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. As we all know, the Civil Service Commission has two Democrats and one Republican composing its membership.

Mr. RAMSPECK. The gentleman is correct.

Mr. RANDOLPH. Is it not a fact that the Republican member of the Commission joined with the two Democratic members in a favorable report on the legislation now about to be brought to the floor, we hope?

Mr. RAMSPECK. The gentleman is correct. As a matter of fact, in the history of this legislation three Republican members, Dr. Leonard White, of Illinois, Mr. Samuel Ordway, of New York, and the present Commissioner, Mr. Fleming, who has recently been appointed, have endorsed this legislation.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman understands my interest in the special-delivery messengers?

Mr. RAMSPECK. Yes.

Mr. DINGELL. I wish to say before I ask my question that I am for the bill as is. I have implicit confidence in the gentleman's sincerity and his ability to bring out the right kind of a bill here to bring about civil service. However, I should like to know whether at some future and early date we might not try to solve the problem affecting some 3,000 employees in the special-delivery department.

Mr. RAMSPECK. The gentleman knows my interest in that matter and my willingness to cooperate with him. I do not want to take up more time on that now, please, because it is not involved in this bill. As a matter of fact, they are not now Government employees. They are on a contract or fee basis.

Mr. DINGELL. I hope we may get together with the gentleman later on that proposition.

Mr. RAMSPECK. I do want to point out to the House that this bill will affect deputy collectors of internal revenue, deputy United States marshals, and various other employees, some of whom have been in the Government service for 20 years, and I hope the House will vote for this rule.

There are a great many questions that have been raised here that I cannot attempt to answer in the short time I have on the rule, but I think I can show to the satisfaction of the membership of this House that there is only one question involved here, and that is the question of whether or not you want to give these people who are already employed and who have rendered faithful service for several years a chance to have a civil-service status and inject them, so to speak, into the blood stream of the civil-service system.

Now, this is the real reason my friends on the Republican side are opposed to this bill. They do not want these Democratic appointees to have any chance to transfer into the old-line agencies if these emergency agencies, so-called, fold up and go out of business.

Mr. CREAL. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Kentucky.

Mr. CREAL. The gentleman from Oklahoma did not yield, but he pointed out that numerous bills have been passed by the Congress whereby employees might be taken in without regard to civil service, but he forgot to admit that the Republicans voted against nearly every one of those bills and are

now inconsistent and voting against themselves on that same proposition which is to take them by civil service hereafter.

Mr. RAMSPECK. The gentleman is correct about that.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from California.

Mr. VOORHIS of California. Does not the gentleman feel that the point that has been made about the alleged employment of foreign agents and people who believe in the overthrow of the Government by force is entirely beside the point? As I remember it, we passed an amendment to the so-called Hatch bill which forbade the employment of such people by the Government, and it is now against the law. The problem is to find out who or where such people are.

Mr. RAMSPECK. The gentleman is correct. The Civil Service Commission does not permit an alien to stand a civil-service examination and has not for a long time.

The charge made here by my friend the gentleman from Pennsylvania [Mr. MOSER] that they certified Communists, I do not know anything about, and, of course, I could not answer unless I knew a specific case, but I do know this: They would not insist upon the appointment—and they have so stated in writing—of any person who advocated the overthrow of this Government by force. We have not any law in this country that keeps a man from believing in communism if he advocates the achievement of it by parliamentary methods, and while I do not approve of his believing in that, I think, under our constitutional system, nobody here would dispute his right under the Constitution to freedom of expression so long as he advocates it by parliamentary methods, and we have no law that would authorize the Civil Service Commission to refrain from certifying any person who passes the examination, and we have no law, if you leave them outside of civil service, to prevent the employment of people who actually advocate the overthrow of government by force.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman.

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. NICHOLS. I want to ask my friend from Georgia a question. The gentleman from California [Mr. VOORHIS] has just called attention to the fact that by amendment to the Hatch bill it was provided that no one could be employed by the Federal Government who advocated the overthrow of this Government.

Mr. RAMSPECK. Yes.

Mr. NICHOLS. My friend from Georgia qualifies that by saying that it must be by force. I want to call the attention of my friend from Georgia to the fact that the amendment to the Hatch bill did not say "by force," but said "who advocates the overthrow of our constitutional form of government." That happened to be my amendment, and I know what it provides.

Mr. RAMSPECK. If that is correct, of course, the gentleman is right in assuming we cannot employ anybody who does that, whether he is under civil service or outside of civil service. He would not be eligible under civil service, and therefore all this argument about them certifying such people is beside the point. In the Committee of the Whole I expect to show the widespread support of this bill. It has the active support of all labor organizations, the National League of Women Voters, the National Civil Service Reform League, the Business and Professional Women, the United States Junior Chamber of Commerce, and many others.

The bill carries out the platforms of both major political parties and the request of the President.

I expect to show by history that the Republicans not only did not use competitive examinations when they were in power—with one exception—but they blanketed employees in without any examination. [Applause.]

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. RAMSPECK) there were—ayes 70, noes 96.

Mr. RAMSPECK. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER pro tempore. The Chair will count.

Mr. WOODRUM of Virginia. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 214, nays 122, answered "present" 1, not voting 84, as follows:

[Roll No. 18]

YEAS—214

Alexander	Eberharter	Kunkel	Robinson, Utah
Allen, La.	Evans	Lanham	Rogers, Okla.
Allen, Pa.	Fay	Larrabee	Romjue
Andersen, H. Carl	Ferguson	Lea	Routzohn
Anderson, Calif.	Flannagan	Leavy	Ryan
Anderson, Mo.	Flannery	Lemke	Sabath
Barry	Folger	Lesinski	Sacks
Bates, Ky.	Ford, Miss.	Lewis, Colo.	Satterfield
Beam	Fries	McCormack	Schaefer, Ill.
Beckworth	Fulmer	McGehee	Schuetz
Bland	Gathings	McGranery	Schulte
Boehne	Gavagan	McKeough	Scrugham
Bradley, Pa.	Geyer, Calif.	McLaughlin	Secrest
Brewster	Gibbs	McMillan, Clara G.	Shanley
Brooks	Gore	McMillan, John L.	Shannon
Brown, Ga.	Gossett	Maas	Sheppard
Bryson	Grant, Ala.	Maclejewski	Smith, Conn.
Buckler, Minn.	Green	Mahon	Smith, Ill.
Burch	Gregory	Maloney	Smith, Maine
Burdick	Griffith	Mansfield	Smith, Va.
Byrns, Tenn.	Gwynne	Marcantonio	Smith, Wash.
Byron	Hare	Martin, Iowa.	Snyder
Camp	Harrington	Massingale	Somers, N. Y.
Cannon, Fla.	Hart	Merritt	South
Cannon, Mo.	Harter, Ohio	Mills, Ark.	Sparkman
Casey, Mass.	Hartley	Mills, La.	Spence
Celler	Havener	Monroney	Starnes, Ala.
Chapman	Healey	Murdock, Ariz.	Summers, Tex.
Claypool	Hennings	Myers	Sutphin
Cochran	Hill	Norrell	Sweeney
Coffee, Nebr.	Hobbs	O'Connor	Talle
Coffee, Wash.	Houston	O'Leary	Tarver
Cole, Md.	Hull	Oliver	Tenerowicz
Colmer	Hunter	O'Neal	Terry
Conner	Izac	O'Toole	Thomas, Tex.
Cooley	Jarman	Pace	Thomason
Cooper	Johnson, Luther	Parsons	Tinkham
Courtney	Johnson, Lyndon	Patman	Tolan
Cox	Johnson, Okla.	Patton	Vinson, Ga.
Creal	Jones, Tex.	Pearson	Voorhis, Calif.
Crosser	Kee	Peterson, Fla.	Walter
Crowe	Keefe	Peterson, Ga.	Ward
Cullen	Kelly	Pfeifer	Weaver
D'Alesandro	Kennedy, Martin	Pierce	Welch
Darden	Kennedy, Md.	Pittenger	West
Delaney	Kennedy, Michael	Plumley	Whelchel
Dempsey	Keogh	Poage	White, Idaho
Dickstein	Kerr	Polk	Whittington
Dingell	Kilday	Rabaut	Williams, Mo.
Disney	Kirwan	Ramspeck	Woodrum, Va.
Doxey	Kitchens	Randolph	Youngdahl
Drewry	Kleberg	Rankin	Zimmerman
Duncan	Kocalkowski	Rayburn	
Dunn	Kramer	Richards	

NAYS—122

Allen, Ill.	Dirksen	Hawks	May
Andresen, A. H.	Ditter	Hess	Michener
Angell	Dworshak	Hinshaw	Miller
Arends	Eaton	Hoffman	Monkiewicz
Austin	Edmiston	Holmes	Moser
Ball	Elliott	Hook	Mott
Bender	Elston	Horton	Mundt
Bolles	Engel	Jeffries	Murray
Boren	Englebright	Jenkins, Ohio	Nichols
Boykin	Faddis	Jenks, N. H.	O'Brien
Bradley, Mich.	Fenton	Jennings	Osmer
Brown, Ohio	Fish	Johns	Reed, Ill.
Carlson	Flaherty	Johnson, Ill.	Reed, N. Y.
Case, S. Dak.	Ford, Leland M.	Johnson, W. Va.	Rees, Kans.
Chiperfield	Gamble	Jones, Ohio	Rich
Church	Gartner	Kean	Robison, Ky.
Clason	Gearhart	Keller	Rockefeller
Clevenger	Gerlach	Kinzer	Rodgers, Pa.
Cluett	Gifford	Lambertson	Rogers, Mass.
Cole, N. Y.	Gillie	Lewis, Ohio	Rutherford
Corbett	Graham	Luca	Schafer, Wis.
Costello	Grant, Ind.	McDowell	Secombe
Cravens	Guyer, Kans.	McLean	Shafer, Mich.
Crawford	Halleck	McLeod	Sheridan
Culkin	Hancock	Marshall	Simpson
Curtis	Harter, N. Y.	Martin, Mass.	Smith, Ohio



Smith, W. Va.	Thill	Vincent, Ky.	Wolcott
Springer	Thomas, N. J.	Vorys, Ohio	Wolverton, N. J.
Stefan	Thorkelson	Wheat	Woodruff, Mich.
Sumner, Ill.	Tibbott	Wigglesworth	
Taber	Van Zandt	Williams, Del.	

## ANSWERED "PRESENT"—1

Doughton

## NOT VOTING—85

Andrews	Darrow	Johnson, Ind.	Sandager
Arnold	DeRouen	Kefauver	Sasscer
Barden	Dies	Knutson	Schiffler
Barnes	Dondero	Landis	Schwert
Barton	Douglas	LeCompte	Seger
Bates, Mass.	Durham	Ludlow	Short
Bell	Ellis	McAndrews	Steagall
Blackney	Fernandez	McArdle	Stearns, N. H.
Bloom	Fitzpatrick	Magnuson	Sullivan
Boland	Ford, Thomas F.	Martin, Ill.	Taylor
Buck	Garrett	Mason	Treadway
Buckley, N. Y.	Gehrmann	Mitchell	Vreeland
Bulwinkle	Gilchrist	Mouton	Wadsworth
Burgin	Gross	Murdock, Utah	Wallgren
Byrne, N. Y.	Hall, Edwin A.	Nelson	Warren
Caldwell	Hall, Leonard W.	Norton	White, Ohio
Carter	Harness	O'Day	Winter
Cartwright	Hendricks	Patrick	Wolfenden, Pa.
Clark	Hope	Powers	Wood
Collins	Jacobsen	Reece, Tenn.	
Crowther	Jarrett	Risk	
Cummings	Jensen	Robertson	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Boland (for) with Mr. White of Ohio (against).  
 Mr. Doughton (for) with Mr. Treadway (against).  
 Mr. Bell (for) with Mr. Johnson of Indiana (against).  
 Mrs. O'Day (for) with Mr. Vreeland (against).  
 Mr. Barnes (for) with Mr. Harness (against).  
 Mr. Gehrmann (for) with Mr. McArdle (against).  
 Mr. Mitchell (for) with Mr. Short (against).  
 Mr. Arnold (for) with Mr. Powers (against).  
 Mr. Collins (for) with Mr. Wolfenden of Pennsylvania (against).  
 Mr. Byrne of New York (for) with Mr. Leonard W. Hall (against).  
 Mr. Stearns of New Hampshire (for) with Mr. Mason (against).  
 Mr. Sullivan (for) with Mr. Jensen (against).  
 Mr. Bloom (for) with Mr. Seger (against).  
 Mr. Warren (for) with Mr. Darrow (against).  
 Mrs. Norton (for) with Mr. Jarrett (against).  
 Mr. Buckley of New York (for) with Mr. Gross (against).  
 Mr. McAndrews (for) with Mr. Reece of Tennessee (against).

## General pairs:

Mr. Cartwright with Mr. Dondero.  
 Mr. Fernandez with Mr. Gilchrist.  
 Mr. Clark with Mr. Edwin A. Hall.  
 Mr. Fitzpatrick with Mr. Knutson.  
 Mr. Jacobsen with Mr. LeCompte.  
 Mr. Ludlow with Mr. Wadsworth.  
 Mr. Dies with Mr. Sandager.  
 Mr. Garrett with Mr. Schiffler.  
 Mr. Hendricks with Mr. Winter.  
 Mr. Durham with Mr. Andrews.  
 Mr. Buck with Mr. Blackney.  
 Mr. Robertson with Mr. Bates of Massachusetts.  
 Mr. Caldwell with Mr. Barton.  
 Mr. Mouton with Mr. Risk.  
 Mr. Magnuson with Mr. Carter.  
 Mr. Bulwinkle with Mr. Hope.  
 Mr. Murdock of Utah with Mr. Crowther.  
 Mr. Nelson with Mr. Douglas.  
 Mr. Patrick with Mr. Sasscer.  
 Mr. Schwert with Mr. Steagall.  
 Mr. Taylor with Mr. Wallgren.  
 Mr. Wood with Mr. Thomas F. Ford.  
 Mr. Ellis with Mr. Kefauver.  
 Mr. Barden with Mr. Cummings.  
 Mr. Burgin with Mr. Landis.

Mr. BOREN changed his vote from "yea" to "nay."

Mr. JENNINGS changed his vote from "yea" to "nay."

Mr. DOUGHTON. Mr. Speaker, I have a pair with the gentleman from Massachusetts, Mr. TREADWAY. If I were permitted to vote, I would vote "yea." If he were present, he would vote "nay."

The result of the vote was announced as above recorded.

Mr. WHITTINGTON. Mr. Speaker, my colleague the gentleman from Mississippi, Mr. COLLINS, is unable to be present. If present, he would have voted "yea."

Mr. HART. Mr. Speaker, my colleague the gentlewoman from New Jersey, Mrs. NORTON, is necessarily detained. If present, she would have voted "yea."

Mr. PARSONS. Mr. Speaker, my colleagues the gentlemen from Illinois, Mr. ARNOLD and Mr. MITCHELL, are ab-

sent on official business. If present, they would have voted "yea."

## EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a short editorial from the paper Justice, published by the International Ladies' Garment Workers' Union.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a certain letter.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. POLK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an address on flood control in the Ohio Valley by Brig. Gen. Thomas M. Robbins, Assistant Chief of Engineers.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. THORKELOSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include certain quotations from the paper Action.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a few brief clip-pings on how the British see our foreign policy.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

## LEAVE TO ADDRESS THE HOUSE

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent that on Tuesday, the 13th, after the disposition of business on the calendar as well as any special orders, I be permitted to address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under special order of the House heretofore made, the gentleman from Indiana [Mr. SCHULTE] is recognized for 20 minutes.

## THE WHEELER-LEA TRANSPORTATION BILL

Mr. SCHULTE. Mr. Speaker, sometime ago there was introduced in the House a bill titled the "Wheeler-Lea transportation bill." After listening to the debate on both sides of the House we find that there is a consolidation feature connected to this bill. I, along with a great many Members of this House, am deeply concerned about the omnibus transportation bill as passed in different forms by both the Senate and the House.

Railroad employees have been told that this is not consolidation legislation, that it will not bring about widespread consolidation of the railroads, and that even if it does the bill gives adequate protection to railroad workers. I have contended with the gentleman from Iowa, VINC HARRINGTON, author of the Harrington amendment, from the beginning that it is consolidation legislation and that it will bring about widespread railroad consolidation, resulting in the creation of ghost communities and throwing into breadlines over 200,000 railway employees, and that no adequate protection is afforded the employees; that the bill is designed to give the railroad bankers a free rein in the consolidation procedure, subject only to the graces of the Interstate Commerce Commission, and accordingly the enactment of this legislation will mean that the Congress has abdicated to the railroad bankers and the Interstate Commerce Commission by delegating the authority to consolidate railroads, without imposing any just and adequate standards for the protection of the traveling and shipping public and railway employees.

The Association of American Railroads declared that this bill will facilitate railroad consolidation. Now, we read in the

Wall Street Journal of January 17, 1930, in which it is stated that—

The Interstate Commerce Commission anticipates renewed activity toward railroad consolidation, and is hopeful that the pending carrier legislation liberalizes the merger provisions and will stimulate the trend.

I am at a loss to understand the testimony of Mr. George M. Harrison, a member of the Committee of Six, chairman of the Railroad Executive Association, and an exceptionally pleasant and good leader. I am at a loss to understand his testimony before the committee when he knew or must have known that the consolidation feature was in this piece of legislation, and if so, that it would mean placing 200,000 to 225,000 railroad employees upon the relief rolls. Yet he says this—and I am quoting from George M. Harrison:

Through consolidation we will get a greater amount of economies, undoubtedly get rid of the weak lines that are now presenting a serious problem and do much to strengthen the rail-transportation industry. Now, if our recommendations in that direction are adopted, we are firmly convinced that there undoubtedly will be a great many consolidations, whereby the transportation industry, with particular reference to the railroads, can be strengthened. There is no good in a consolidation unless it has the effect of strengthening the financial ability and reducing the amount of burdens that are placed upon the industry.

I am quoting Mr. Harrison, which you will find in H. R. 2531, pages 213 and 214.

Mr. HARRINGTON. Mr. Speaker, will the gentleman yield?

Mr. SCHULTE. I am happy to yield to my good friend, the gentleman from Iowa [Mr. HARRINGTON].

Mr. HARRINGTON. Is it not a fact that under the omnibus transportation bill consolidations of railroads, particularly the weaker railroads, would be most effective?

Mr. SCHULTE. Absolutely. That is true.

Mr. HARRINGTON. And it also follows, therefore, if that is the case, that the employees of the weaker railroads will be thrown out of work?

Mr. SCHULTE. There is no question about that, and that is irrespective of the length of service they have rendered to that particular railroad. And that is where a lot of the savings will come from, the salary of the employees.

Mr. HARRINGTON. And in spite of the Railroad Retirement Act?

Mr. SCHULTE. That is right.

Now, it is not being honest with the railroad employees to contend that the omnibus transportation bill does not have as one of its major purposes the expediting of widespread consolidation of American railroads in the interest of improving profits. Now, it is not in the interest of the people by any means, because in spite of the consolidations we have had in the United States, there is not anyone who can show us where there has been a 5-cent saving to the user of that particular railroad.

Mr. GEYER of California. Mr. Speaker, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. GEYER of California. What does the gentleman think about squeezing the water out first before they begin jumping on the employees?

Mr. SCHULTE. I am very much in sympathy with that and am anxious that that be accomplished first. I have repeatedly said that a consolidation program will add from 200,000 to 225,000 railroad workers to the ranks of the unemployed. Now, is this a fact? Is this an overstatement? I submit the following from the Wall Street Journal of January 7, 1940. Evidently that speaks for big business.

The savings of wages, the main purpose of mergers, and the increase in efficiency in consolidation probably would be substantial. Estimates have been made that if all of the possible or logical consolidations and coordinations were an accomplished fact, savings in railroad operations of as much as \$500,000,000 annually could be brought about.

It is reliably estimated that 80 percent of the savings from consolidations will come out of the pay rolls of railroad workers. Eighty percent of \$500,000,000 is \$400,000,000. Ac-

cording to the official records of the Railroad Retirement Board, based on the wages actually received by the total number of workers actually employed, the average annual wage of railroad workers in 1937 was \$1,108. According to the middle-of-the-month count of the Interstate Commerce Commission, the average annual wage was \$1,781, but it should be understood that this is a fictitious figure and not the true annual average wage. Consolidations would naturally eliminate the part-time employees first, so if we are to arrive at an accurate estimate of the total number of employees eliminated by railroad consolidations, the Retirement Board estimate, which includes all workers employed by the industry, would give us the most accurate result. Considering \$1,108 as the average annual wage of railroad workers, the \$400,000,000 annual take from railroad labor would eliminate 361,000 employees. Even if we used the fictitious average annual wage used by railroad and financial interests, 224,593 employees would be eliminated. Now, Mr. Speaker, this is in spite of millions upon millions of dollars that this particular Administration has spent in trying to relieve unemployment.

I ask the membership of the House: Are you going to take part in passing this so-called Wheeler-Lea transportation bill which is going to throw 361,000 railroad employees on the street with no compensation whatsoever for the time they have put in, with no help whatsoever and no savings to the consumers or the users of the railroad?

Mr. HARRINGTON. Mr. Speaker, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. HARRINGTON. Under the Senate bill the statement the gentleman has made is absolutely correct, but is it not true that under the House bill, which is in conference, railroad labor has been protected?

Mr. SCHULTE. If the House would adopt the amendment which the gentleman from Iowa [Mr. HARRINGTON] offered, that would be true. That is the only thing that will save the railroad employees, the Harrington amendment; and I suggest, Mr. Speaker, that when this bill comes back from conference, if the Harrington amendment is eliminated, the thing which offers the only solution to this problem, then we should vote down the complete Wheeler-Lea transportation bill, for it does not mean any savings to the people of this country. [Applause.]

We have every reason to rely upon the Wall Street Journal's estimate of the contemplated savings, for the omnibus transportation bill proposes to give to the railroads and their bankers the initiative in railroad consolidations. The Wall Street Journal of January 2 this year states that this legislation would give back to the railroads initiative on consolidation proposals.

In Mr. Harrison's testimony which I have cited earlier in my remarks, he declared that the reason they were asking for repeal of the 1920 Transportation Act was to get rid of the uncertainty of Government action and the danger of having some governmental officer without practical experience, perhaps, trying to lay out the physical operations of the railways—in other words to give the railroads a free hand in consolidations. That is what they are asking us for.

This bill is also defended on the grounds that the so-called Washington jobs agreement of 1936 will protect the railway employees. If you permanently disemploy a quarter of a million railroad workers, somebody must absorb that pay roll loss. In the hearings above referred to, Mr. George M. Harrison declared that the entire economies possible from the 1936 Washington jobs agreement will be absorbed by labor for the first year and a half and thereafter it will accrue to the corporations.

Mr. Speaker, let me say that in the event the Wheeler-Lea bill becomes law it means that in every city, every little town, irrespective of its location in the United States, where railroad men live today, one-half of the railroad men living there will be unemployed. Let us see how the railroads have progressed. Who is causing all this unemployment in the railroad field? Twenty years ago the railroads employed over 2,000,000 men. Two million men were making their living on



the railroads. Today there are but 900,000 railroad employees in the United States, yet the railroads are moving more freight today than they did in 1920. This means that just 1,100,000 railroad men have lost their jobs because of improved conditions in the railroads, engines now pulling 100 cars, trains moving faster, yet railroad rates are higher today than they have ever been. Where is the saving to the public? Are we going to continue to be a part of this and allow them to do all this consolidating? I hope not.

Let me now pay tribute to our colleague in the House, the gentleman from Iowa [Mr. HARRINGTON]. He saw this coming and used every effort to protect the railroad men. His every heart beat is in sympathy with them. The gentleman from Iowa appreciating the fact that it would mean unemployment in spite of what the railroad executives said, introduced the Harrington amendment. They say the Harrington amendment is harmless. If it is harmless why not adopt it?

Mr. HEALEY. Mr. Speaker, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. HEALEY. If the Harrington amendment stays in the bill the wholesale dismissal of railroad workers will not occur.

Mr. SCHULTE. It is the only safeguard the railroad men have, I may say to my good friend from Massachusetts; the Harrington amendment is their only safeguard.

Who is going to pay the cost of this threatened destruction of the jobs of a quarter of a million railroad workers? It is obvious that railroad workers and public relief agencies will absorb the loss, much to the profit of railroad financial interests. Let it further be recorded that railroad workers believe that a dismissal wage is no just substitute for a job. They want the right to work, not to be forced to surrender their jobs for a pittance. Following the signing of the Washington jobs agreement of May 21, 1936, I said the following of this agreement:

\* \* \* I want to emphasize that, so far as the Brotherhood of Railroad Trainmen is concerned, the agreement with the carriers relative to consolidation and coordination can in no sense be interpreted to mean that the way is clear for railroad consolidations and coordination. This brotherhood will continue to fight as vigorously as it always has such efforts to economize at the expense of humanity. \* \* \* We have now entered into an agreement with the carriers designed, not to improve the standards of living or working conditions of railroad workers, but to share with them a small portion of the booty that would come to the coupon clippers if Wall Street's demand for "economy" at the expense of humanity is carried out.

That is our position today. That is the position of the rank and file of all classes of railroad workers today. Congress would break faith with a million railroad workers if it used the Washington jobs agreement as a flimsy excuse for turning over to railroad bankers and the Interstate Commerce Commission our only mass transportation agency for the purpose of impairing it through consolidation for greater banker profits. Furthermore, you would be breaking faith with the millions of people who depend upon the railroads in small communities throughout the Nation. As quoted herein, Mr. George M. Harrison declared that this proposed legislation would "undoubtedly get rid of the weak lines," but I submit that the people who are dependent upon these weak lines for their means of livelihood, small-business men as well as railroad workers, consider the "weak lines" just as indispensable to their community life as the financially strong railroads.

No one can intelligently consider the problems of the railroad industry without understanding that that industry is characterized by "feast and famine." There are bankrupt railroads and railroads in an unsound financial condition—largely so because they have been milked by the rich and powerful railroads and by railroad bankers. But there are also railroads that are among the best dividend-paying corporations in the Nation. In 1936 the Chesapeake & Ohio Railroad paid more in dividends than it paid in wages to its employees. As recently as 1936 the Bessemer & Lake Erie Railroad paid 1,100 percent dividends. It also paid 1,100 percent dividends in 1931, the year prior to the railway-wage deduction. The Senate financial investigation of the rail-

roads revealed that this industry is wasting a million dollars a day. It has been estimated that if the Government took over the railroads and paid a fair return to the security holders on the true value of the present investment \$500,000,000 in dividend and interest charges could be saved annually. The Wall Street Journal is interested in saving \$500,000,000 annually in the railroad industry. So am I, but I think the savings should come from those who are responsible for the present condition of the industry and not by deflating communities throughout the Nation, aggravating our unemployment and general economic problems, and imposing the burden upon the innocent and those least able to bear it. That is the issue presented by this legislation.

In view of present economic conditions in this country, the Congress simply must not enact legislation that will cause great unemployment throughout the Nation. The economic efforts of adding a quarter of a million railroad workers to the ranks of the unemployed, reaching as it would down into almost every community throughout the Nation, with its consequent creation of ghost communities and deflation of business on a Nation-wide scale, is fraught with imponderable disaster. When we consider the past record of financial exploitation in the railroad industry, and realize that the omnibus transportation bill is proposing to turn over to the very financial interests that have plundered the railroads the "initiative" and encouragement to launch this deflationary consolidation program in the interests of banker profits, in an industry that admittedly is wasting \$365,000,000 annually, mainly as a result of the policies of these financiers, it is unthinkable that any Congressman or Senator would favor it.

The Harrington amendment to the omnibus transportation bill, enacted by the House, effectively guards the people against this ominous threat to their prosperity and welfare. The amendment is as follows:

*Provided, however, That no such transaction (consolidation, merger, purchase, lease, operating contract, or acquisition of control) shall be approved by the Commission if such transaction will result in unemployment or displacement of employees of the carrier or carriers, or in the impairment of existing employment rights of said employees.*

All classes of railroad employees, various civic, fraternal, professional, and business groups have signed petitions in favor of the Harrington amendment. Many city councils and local officials throughout the Nation have signed these petitions. The people generally, and the rank and file of railroad employees in particular, do not want this disastrous program of railroad consolidation. So far as I know, or have been able to ascertain, not a single representative of organized labor, including the railroad labor groups, has ever spoken one word against the Harrington amendment. No railroad worker, and no one dependent upon the railroads for their means of livelihood and their community life, except railroad bankers, could oppose the Harrington amendment.

As a Member of this House, I urge you to retain the Harrington amendment when the conference report comes in. It would be far better for the country and for railroad workers if you would report out no recommendations than to recommend transportation legislation that did not contain this amendment. If this bill should ever become a law without the Harrington amendment, and railroad bankers should launch their program of eliminating a quarter of a million railroad workers, with consequent disastrous effects upon communities throughout the land, I assure you the Congress will soon have discovered that it has not solved the railroad problem, for the Nation-wide protest against this program of Wall Street railroad consolidation will compel a new and more equitable solution of our transportation problems.

Mr. PITTENGER. Will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Minnesota.

Mr. PITTENGER. Has the gentleman any assurances from the committee that we will have ample time to discuss this conference report when it comes in so that we may examine these different features?

Mr. SCHULTE. May I say to the gentleman that the proper thing to do in the House is to insist on proper time

to debate the matter when 225,000 jobs are at stake. It is a mighty serious thing, and we ought to debate it. In spite of what we hear from some of the railroad executives, Mr. Whitney, of the Trainmen, is very much in sympathy with it, the rank and file and the people themselves, the members of these unions, are in sympathy with it. I talked with the railroad engineers and firemen, and they want the Harrington amendment. In fact, they insist on the Harrington amendment. The conductors in my district insist on the Harrington amendment. The railroad workers, track men, and others insist on the Harrington amendment. They are beginning to realize that this is no more than a camouflage, which gives the railroads the right to consolidate and eliminate 225,000 jobs and certainly we are not going to be a party to that.

Mr. LEA. Will the gentleman yield?

Mr. SCHULTE. I yield to my good friend from California, whom I regard very highly, and one of the most capable men in this House.

Mr. LEA. I understood the gentleman to say that the passage of this bill would mean the elimination of 225,000 workers?

Mr. SCHULTE. I say not less than that number.

Mr. LEA. There is not the slightest basis for any such statement.

Mr. SCHULTE. Oh, but I say that there is. Will the gentleman accept the Harrington amendment?

Mr. LEA. I am not in position to accept it.

Mr. SCHULTE. Will the gentleman help us to have it accepted?

Mr. LEA. This is a question of abandonment or consolidation. Now, consolidation aids labor while abandonment destroys labor. It is not a question of choice. It is a question of what we actually face.

Mr. SCHULTE. I differ with my good friend the gentleman from California. I know he is sincere in his desire, and so am I. I am not willing, however, to gamble with 225,000 jobs. If there is not to be any damage to the railroad men, why not accept the Harrington amendment? It is not going to hurt the bill, and we are safeguarding those who believe the same as we do.

Mr. LEA. I am confident in my belief that the Harrington amendment will not help labor. It would stand in the way of consolidation. Consolidations aid labor by keeping up lines that otherwise will have to be abandoned. Of course, it is a debatable question. No one can tell you that any particular labor or any particular number are going to lose their employment because of consolidations. Consolidations require, in the first place, the consent of the lines affected, a very difficult thing, on account of the matter of refinancing and other problems. It is very difficult to make consolidations. In the next place, no consolidation can be made unless it has the approval of the Commission.

Mr. SCHULTE. May I say to the gentleman from California [Mr. LEA] that the question is too serious, it is too vital for either him or me to argue about. The point I make is that, knowing the railroad operators of the past and knowing the tricks to which they have resorted, I am not going to gamble when 225,000 jobs are at stake.

Mr. LEA. The principal labor organizations entered into an agreement with practically all the railroad companies providing for the care of men who might be displaced on account of consolidations. In a recent decision of the Supreme Court, the right of the Interstate Commerce Commission to require such an arrangement was established. In that particular case it was estimated that the savings per year would be about \$500,000, and about \$300,000 of that benefit went directly to labor. That had to do with one consolidation. Out of an estimated \$500,000 saving, labor received over \$300,000 of the benefit from the railroad company because of their displacement or transfer of employment.

Mr. SCHULTE. Allow me to say that the gentleman has admitted consolidations do enter into this.

Mr. LEA. In the bill?

Mr. SCHULTE. Yes.

Mr. LEA. Oh, yes; no doubt about that.

Mr. SCHULTE. There is no difference between us in reference to the consolidation feature being in the bill. The railroad men were told, and it is their general belief, that there is no consolidation connected with the Wheeler-Lea transportation bill.

Mr. LEA. If they would look up the arguments had in this House, I called attention to that as being one of the important features of the bill in the very first statement I made.

Mr. SCHULTE. It does allow the railroads to consolidate?

Mr. LEA. Yes; with the approval of the Commission.

Mr. SCHULTE. I am happy the gentleman has given us that contribution and that he has assured us beyond doubt that there is the matter of consolidation in this bill.

Now, who has asked for the bill? Agriculture has not asked for it. Agriculture testified in opposition to the bill, realizing the damage it will do to agriculture in connection with its shipping. The War Department does not want the bill, as was testified by the Secretary of War. Labor does not want the bill. Well, who wants the bill? Certainly the consumers of the United States do not want the bill, because they realize what is going to happen to them in the event the bill passes. So who can it be? It must be the railroad interests, and for the sole purpose of consolidation. I reiterate the statement it will eliminate 225,000 railroad workers who have served the railroads anywhere from 5 days to 30 years. These workers are going to be thrown on the mercy of the people of the towns in which they live. There is no denial of that, there is no question about it, from the treatment that has been accorded railroad men in the past by the railroads.

Mr. LEA. Under the present operations about 900,000 men who were formerly employed by the railroads have lost their positions.

Mr. SCHULTE. In the last 20 years, I may say to the gentleman, the railroad men inform us that over a million men have lost their jobs.

Mr. LEA. Yes; but about a hundred thousand have been taken back. Now, does not the gentleman think the laboring man is interested as well as the railroads in restoring a wholesome condition in the railroad industry?

The laboring man cannot hope to draw his salary from the railroad unless the railroad itself is a going concern.

Mr. SCHULTE. May I say to the gentleman from California that there is no question about that, and the railroads have been very amply protected in the past 50 years.

Mr. LEA. There has been a great demand and support for this legislation by the men themselves. Practically an overwhelming majority of the employees of the railroads of the United States want this legislation for the same reason that the railroads need it.

Mr. SCHULTE. The Brotherhood of Railroad Trainmen, and that is the largest body that belongs to the 21 brotherhoods, is very much opposed to the bill. May I say also that the railroad engineers and firemen who live in my district are opposed to it. The Order of Railway Conductors in my district is opposed to it. The railway men who maintain the tracks are opposed to it because their eyes have been opened to the fact that it means the loss of half of their jobs. They realize and appreciate that fact.

[Here the gavel fell.]

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent to proceed for 3 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BECKWORTH. Mr. Speaker, will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Texas.

Mr. BECKWORTH. Does the gentleman know what are some of the various circumstances that might cause the brotherhoods in various districts to differ in their opinions as to what effect this legislation will have on the workmen?

Mr. SCHULTE. Yes, absolutely; through the leadership of the various organizations. The leaders who have gone



into this bill and who are very much in sympathy with their men, and honest in trying to keep their men at work, are for the Harrington amendment. This is a very broad statement I am making. I predict here and now that in the event this bill passes without the Harrington amendment every one of these railroad leaders who have been opposing the Harrington amendment will be dethroned or dehorned, as they call it in the parlance of the railroad world.

I say to the Members of this House that if the Wheeler-Lea bill passes it will not mean a saving to the consumers or the users of the railroads. What the railroads are trying to do is eliminate all forms of competition, to continue the dog-in-the-manger attitude they have had for 20 years. They have finally lost it because of the competition of trucks and water transportation. Now they are using the railroad men to force through this piece of legislation that will forge the last link around their throats and choke them to death.

I plead with the Members of the House not to let the Wheeler-Lea bill go through unless it contains the Harrington amendment. If it does not contain the Harrington amendment, let us vote it down.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from California.

Mr. HINSHAW. Did I not hear the gentleman state earlier in his address that, if this bill passes, the freight rates will be set by the railroads and not by the Commission?

Mr. SCHULTE. That is right.

Mr. HINSHAW. Where does the gentleman find that in the bill?

Mr. SCHULTE. Because they will be influenced by the railroads.

Mr. HINSHAW. The Interstate Commerce Commission?

Mr. SCHULTE. Look at the South today and ask any one of the Members from those Southern States.

Mr. HINSHAW. The Interstate Commerce Commission has been setting rates for a long time, and I believe they will probably still continue to do so. Does not the gentleman think so?

Mr. SCHULTE. I do not think there is any question about it, and, I will say, to the detriment of the people in the gentleman's district and to the detriment of the people in my district.

Mr. HINSHAW. I do not believe that.

Mr. SCHULTE. That is up to the gentleman's people. If they want higher rates, I say that is entirely up to them and to the gentleman; but the people in my district want lower rates.

Mr. HINSHAW. My people want lower rates, but I think that the best way to get lower rates, and I believe the gentleman will agree with me, is to have a healthy situation in the railroad field.

Mr. SCHULTE. I say that if the gentleman wants to cut off 225,000 jobs, that is entirely up to him.

Mr. HINSHAW. I do not want to do that. The gentleman knows that the only solution to the problem is to increase the business of the railroads, and they cannot get it unless they can lower their rates and at least break even. More business means more jobs and steadier ones to railroad employees. That is what I want, and that is what the employees and the people want.

Mr. SCHULTE. I do not want to cut off any jobs.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Illinois.

Mr. KELLER. It has just occurred to me, if I may reply to the question of the gentleman from Texas [Mr. Beckworth], that the men would be influenced by local conditions, which, in my judgment, would mean that they would be influenced by whether they were working on the main lines which might be benefited by the cutting off of some of the smaller lines or whether they were on the smaller lines; and where the smaller lines were involved they would certainly be against this bill from A to Z.

Mr. SCHULTE. If the eyes of the railroad workers were opened to the real facts of this bill, they would oppose it

to a man. I hope the Harrington amendment will be adopted. [Applause.]

[Here the gavel fell.]

#### WASHINGTON'S FAREWELL ADDRESS

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that on Thursday, February 22, after the reading of the Journal, Washington's Farewell Address may be read by a Member to be designated by the Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### EXTENSION OF REMARKS

Mr. KELLER asked and was given permission to revise and extend his own remarks in the RECORD.

#### THE W. P. A. IN PENNSYLVANIA

Mr. McGRANERY. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McGRANERY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein an article appearing in today's Philadelphia Inquirer, in which I am attacked, and an article appearing in today's Philadelphia Record, in which I am likewise attacked.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McGRANERY. Mr. Speaker, on Tuesday afternoon, on the floor of this House, I said that we had a ghost Governor in the State of Pennsylvania in the person of Col. Carl Estes, a citizen of the sovereign State of Texas, and, at the same time, I quoted the Scranton Times of February 21, 1939, as publishing a story headed: "Tighten your belts, James tells men looking for work. Governor tells building-trades men that he believes unemployment problem will not be solved unless there is a war." On that occasion I charged Governor James as having the ghost Governor hovering about him all during his preelection campaign, during which time Governor James repeatedly attacked W. P. A. as a wasteful and extravagant agency of the Government.

Today's Philadelphia Inquirer quotes Governor James as calling me "a liar" at his press conference yesterday afternoon. I shall read the passage:

JAMES DARES FOES TO FACE HIM ON W. P. A.—BRANDS McGRANERY AS "LIAR" FAILING TO REPRESENT DISTRICT  
(By Gerson H. Lush)

HARRISBURG, February 7.—Governor James challenged congressional critics of his attacks on W. P. A. today to invite him to an "open meeting" at Washington for a full discussion of the matter. In a fighting mood, the Governor struck back vigorously at two Pennsylvania Democrats who assailed him on the floor of the House yesterday.

He accused both Representative JAMES P. McGRANERY, of Philadelphia, and Representative J. HAROLD FLANNERY, of Pittston, of misrepresenting their constituents for not joining his battle "to try to help Pennsylvania get Pennsylvania's share."

#### "GHOST GOVERNOR" HIT

McGRANERY, in his Washington speech, assailed the Governor's close friend and adviser, Col. Carl L. Estes, as Pennsylvania's "ghost Governor," and said James believed a war was the only solution to the unemployment problem in this country.

At his press conference the Governor branded McGRANERY as a liar who made "so silly a statement that it hardly deserves an answer."

"McGRANERY's attack was a fool statement founded purely in political spite and animosity," the Governor declared.

"Mr. McGRANERY wants to remember as a Democrat that he still represents men and women in his district who are on relief, and he is blinded so much by partisan bitterness that he would attempt to embarrass the Governor in his efforts to do one thing to get for the people of Pennsylvania their rightful share of their own money and their right to get people on W. P. A. instead of on relief."

"If there is any ghost in this matter, it is the ghost of the forgotten men and women who ought to be on W. P. A. and not on relief."

#### CONFERENCE SUGGESTED

After the congressional attack on the Governor, Representative JOHN McDOWELL, Pittsburgh Republican, suggested a round-table

conference, at which James would be represented. FLANNERY endorsed the idea, but insisted the Governor be there in person.

The Governor's reply was that he would be glad to attend any such conference, but in turn he insisted that Col. F. C. Harrington, National W. P. A. Administrator, be present.

#### QUOTA INCREASED

The Governor also pounded on FLANNERY, who hails from Luzerne County, which likewise is James' home.

"I want to get this on the record," the Governor said. "In 1935 FLANNERY was one of the most ardent Republicans in Luzerne County. He was serving in the district attorney's office and was anxious to be the Republican candidate for district attorney in Luzerne County."

"He wasn't a Roosevelt Democrat in 1932. He didn't suffer a change of heart until he was rejected as the Republican candidate for district attorney."

"Instead of finding fault with me, let him remember I am fighting to see men and women in Luzerne County who are on relief get on W. P. A."

I regret that the Governor of the great Commonwealth of Pennsylvania has seen fit to demean himself and his office by descending to the level of street jargon and using the ugly word "liar" rather than answer the charges. I reiterate the charges that I made on Tuesday afternoon in this House.

It is to be deplored that the Governor of any great Commonwealth should have so little control of his temper. Today's Philadelphia Record reported him as follows, "James, white with anger, pacing up and down his office." His vocabulary was so lacking that he was unable to deny the charges in an intelligent and gentlemanly fashion.

Perhaps it was because of the fact that the ghost Governor was not hovering about him at that time. Perhaps it was because of my exposé of the ghost Governor that he could not be there on that occasion.

The entire article is as follows:

**JAMES ANGERED BY GHOST STORY—GOVERNOR FLATLY DENIES CHARGE COLONEL ESTES IS SHADOW EXECUTIVE**

(By Joseph P. McLaughlin)

HARRISBURG, February 7.—Governor James today characterized as "so silly it hardly needs denial" a Democratic Congressman's charge that Col. Carl L. Estes, wealthy Texas publisher, is the "ghost Governor" of Pennsylvania.

In a fighting mood, the Governor denied flatly that Estes is behind his attacks on W. P. A., or that he, James, ever said the only real solution to the unemployment problem is war.

#### WHAT HE REALLY SAID

"What I really said," James declared at a press conference, "is that the New Deal's only solution to the unemployment problem is war."

The charge that Estes is the "ghost Governor" of Pennsylvania was made yesterday on the floor of Congress by Representative JAMES P. McGRANERY, of Philadelphia.

James, his face white with anger, bitterly denounced McGRANERY and Congressman J. HAROLD FLANNERY, of Luzerne County, who also participated in the attack. Pacing up and down his office, he said:

#### SPITE AND ANIMOSITY

"McGRANERY's attack was a fool statement, founded purely in political spite and animosity. He wants to remember as a Democrat he still represents the men and women in his district who are on relief."

"He is so blinded by partisan bitterness that he would attempt to embarrass the Governor in his efforts to do just one thing—to get for the people of Pennsylvania their rightful share of their own money and to get the people who are on relief on W. P. A."

#### THE ONLY GHOST

"If there is any ghost in this matter, it is the ghost of the forgotten men and women who ought to be on W. P. A. and not on relief."

At one point James, turning to me, said: "Take this down; I want to get it in the Philadelphia Record."

"In view of what the Pittsburgh Press said about Senator GUFFEY, maybe it might be a good idea to have a Texas Democrat come up here and clean out some of these Pennsylvania Democrats."

#### WILL JOIN CONFERENCE

James said he would gladly participate in the suggested round-table conference between Democrats, Republicans, and Work Projects Administrator F. C. Harrington to settle the controversy over responsibility for W. P. A.'s failure to fill its quota in Pennsylvania.

"Let the head of W. P. A., Colonel Harrington, be there," said James, "not a second-rate man like the administrator in Pennsylvania (Col. Philip Mathews)."

It is too late, however, for Governor James to hide the ghost Governor of Pennsylvania. He has been in the forefront since Governor James took the oath of office. His absence

yesterday was conspicuous. It is evident that the Governor can make no rational public utterance without him.

Now, I am most reliably informed that Governor James will attempt to make a national figure of himself as the guest of Senator ARTHUR VANDENBERG in the city of Detroit next Monday night. At that time, on the anniversary of the birth of a truly great American, who belongs not only to one political party but to the entire American people, this violently partisan man will attempt, on a Nation-wide hook-up, to carry out the plan of his political backers, who seek to make him a candidate for President. In the Detroit speech will Governor James again be the medium for the ghost Governor? Are his backers preparing the country for a ghost President?

Can this sudden sympathy for W. P. A. on the part of Governor James have been suggested by the ghost Governor, Carl Estes? It is a known fact that Colonel Estes has made a survey of the national situation. Has he found, particularly in the large industrial localities, a high appraisalment for the activities of W. P. A.? Once again, Governor James is going into a campaign, this time a national campaign, to be, as he was in the 1938 Pennsylvania campaign, "all things to all men."

My record as an advocate and strong supporter of W. P. A. speaks for itself since I have taken my seat in this House. In this and every other respect I have always represented my constituents most faithfully and conscientiously, and Governor James well knows this.

However, I have always been obstructed by a Republican administration in Philadelphia that would never subscribe in a full and fair manner to the benefits of W. P. A. A complete table of these obstructions and deficiencies was inserted as a part of my remarks last Tuesday. That table stands unchallenged. It cannot be challenged or attacked. It is the truth, and Governor James has not questioned it because he cannot. I, and my other Democratic colleagues are now obstructed by a State administration which, either through lack of intelligence or a desire to play politics with human misery, has refused to do its part toward providing sufficient funds for Pennsylvania's full participation under the W. P. A. program, which I, as well as every other liberal-thinking Member of this House, have supported. [Applause.]

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. McGRANERY. I yield to my friend.

Mr. WALTER. Who is this Corporal Estes that the gentleman has described as being the ghost Governor of our State?

Mr. McGRANERY. Corporal Estes came to Pennsylvania under a nom de plume recently and then became a part of the James campaign for Governor. He is a gentleman from the State of Texas. He served in the National Guard of that State. He was an enlisted man. The title "colonel," so far as I can ascertain, is some honorary title that was given to him, perhaps on another day by a Governor.

He may, perhaps, have been on some staff, but he is closely associated with Joseph Pew, who is the dominant figure today in the Republican Party and who has put forth Governor James as a possible candidate for President on the Republican ticket; and he has already tried to make it possible to capture the Republican National Convention for Pennsylvania and there attempt to stampede it for James. Does that answer my friend's question?

Mr. WALTER. Yes; thank you.

Mr. SACKS. Mr. Speaker, will the gentleman yield?

Mr. McGRANERY. I yield.

Mr. SACKS. Is it not true that the Governor of Pennsylvania is trying to find an excuse for the promises he made to balance the budget and to continue W. P. A., which he has not kept since he has been in office?

Mr. McGRANERY. I have already repeated that the Governor of Pennsylvania stamped up and down the State of Pennsylvania, leveling charges against W. P. A. and calling it an extravagant agency on the part of the Government and a wasteful one. However, he has done an about-face with the two gentlemen [Mr. CORBETT and Mr. McDOWELL]. My colleagues from Pennsylvania well know the views of most



of the Republican Members from Pennsylvania and they are not, and never have been, in sympathy with the W. P. A. program.

Mr. BRADLEY of Pennsylvania. Will the gentleman yield? Mr. McGRANERY. I yield.

Mr. BRADLEY of Pennsylvania. My friend, then, thinks that instead of being a reckless ranger from Texas, in addition to being a ghost Governor, this gentleman is also most likely one of those phantom colonels we hear about.

Mr. McGRANERY. I believe there would be a great deal of truth in what the gentleman has said.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. McGRANERY. I yield.

Mr. EBERHARTER. Can the gentleman from Pennsylvania tell us whether or not this "ghost" of whom he speaks, now resides in the executive mansion at Harrisburg, at the expense of the taxpayers of Pennsylvania?

Mr. McGRANERY. I have been most reliably informed that that is true, and notwithstanding Colonel Estes took up residence very close to the executive mansion, he now resides in the executive mansion itself.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SMITH of Illinois, for 1 day, on account of important business.

To Mr. FITZPATRICK, for an indefinite period, on account of illness.

#### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore:

H. R. 7805. An act making supplemental appropriations for the Military and Naval Establishments, Coast Guard, and Federal Bureau of Investigation for the fiscal year ending June 30, 1940, and for other purposes.

The SPEAKER pro tempore announced his signature to an enrolled bill of the Senate of the following title:

S. 2624. An act to amend the act of August 24, 1912 (37 Stat. 460), as amended, with regard to the limitation of cost upon the construction of buildings in national parks.

#### RESOLUTION AND BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. Res. 377. Resolution appointing Hon. SAM RAYBURN, a Representative from the State of Texas, Speaker pro tempore during the absence of the Speaker (engrossed copy);

H. R. 7805. An act making supplemental appropriations for the Military and Naval Establishments, Coast Guard, and Federal Bureau of Investigation for the fiscal year ending June 30, 1940, and for other purposes; and

H. R. 8067. An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1940, and for other purposes.

#### ADJOURNMENT

Mr. RAMSPECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p. m.) the House adjourned until tomorrow, Friday, February 9, 1940, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting on Friday, February 9, 1940, at 10 a. m., before the Petroleum Subcommittee of the Committee on Interstate and Foreign Commerce. State regulatory bodies will be heard.

##### COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization Wednesday, February 14, 1940, at 10:30 a. m., for the public consideration of H. R. 8023 and H. R. 8292.

##### COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Tuesday, February 13, 1940:

H. R. 1780, to amend section 7 of the act of June 19, 1886, as amended (U. S. C., 1934 ed., Supp. III, title 46, sec. 319), relative to penalties on certain undocumented vessels and cargoes engaging in the coastwise trade or the fisheries, and for other purposes.

H. R. 5837, to amend section 221 of the Shipping Act, barring certain aliens from participating in the benefits thereof.

H. R. 6770, to amend Revised Statutes 4311 (U. S. C. 251).

H. R. 7694, to amend section 4311 of the Revised Statutes of the United States.

H. R. 8180, to require that not less than 75 percent of the crew of any fishing vessel of the United States be citizens of the United States.

Tuesday, February 20, 1940:

H. R. 4079, to amend sections 4353 and 4355 of the Revised Statutes of the United States.

H. R. 6751, to repeal certain laws with respect to manifests and vessel permits.

H. R. 5788, to amend the present law relating to the delivery of ships' manifests to collector of customs by excluding Sundays and holidays from the time within which such delivery may be made by the master.

H. R. 5789, to amend the present law relating to the delivery of ships' manifests to collectors of customs by excluding Sundays and holidays from the time within which such delivery may be made by the master.

Friday, February 23, 1940:

H. R. 7639, to provide for the examination of civilian nautical schools and for the inspection of vessels used in connection therewith, and for other purposes.

##### COMMITTEE ON THE JUDICIARY

On Wednesday, February 14, 1940, at 10 a. m., there will be a hearing before the Special Subcommittee on Bankruptcy and Reorganization of the Committee on the Judiciary on the bill (H. R. 8016) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto (municipal compositions). The hearing will be held in room 346, House Office Building.

##### COMMITTEE ON THE CENSUS

Beginning Tuesday, February 27, 1940, the Committee on the Census will hold hearings on the reapportionment of Representatives in Congress.

##### COMMITTEE ON PATENTS

The Committee on Patents, House of Representatives, will hold hearings Thursday, March 14, 1940, at 10:30 a. m., on H. R. 6877, to protect the United States in patent infringement suits; and S. 547, to amend section 23 of the Copyright Act.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1378. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1941 in the amount of \$3,000,000 (H. Doc. No. 629); to the Committee on Appropriations and ordered to be printed.

1379. A letter from the Acting Secretary of the Treasury, transmitting the draft of a proposed bill to amend section 2 of the act of January 12, 1938 (52 Stat. 4); to the Committee on Merchant Marine and Fisheries.

1380. A letter from the Postmaster General, transmitting the draft of a proposed bill to amend acts extending the franking privilege to widows of ex-Presidents of the United States; to the Committee on the Post Office and Post Roads.

1381. A letter from the Secretary of the Treasury, transmitting the annual report for the fiscal year ended June 30, 1939, of the stabilization fund created under the Gold Reserve Act of 1934; to the Committee on Coinage, Weights, and Measures.

1382. A letter from the Secretary of the Interior, transmitting the draft of proposed legislation to authorize the restoration to tribal ownership of certain lands upon the Crow Indian Reservation, Mont.; to the Committee on Indian Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 8237. A bill to amend the District of Columbia Revenue Act of 1939; without amendment (Rept. No. 1581). Referred to the Committee of the Whole House on the state of the Union.

Mr. CRAVENS: Committee on the Territories. H. R. 4776. A bill to amend section 6 of the organic act of Alaska; with amendment (Rept. No. 1582). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRYSON: Committee on the Territories. H. R. 7612. A bill for the transfer of funds to the town of Wrangell, Alaska; without amendment (Rept. No. 1583). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McLAUGHLIN:

H. R. 8367. A bill to amend the Tariff Act of 1930 by reclassifying brushes or hair pencils for manicuring purposes; to the Committee on Ways and Means.

By Mr. SPENCE:

H. R. 8368. A bill to provide for investigation of activities of Government employees on behalf of foreign countries; to the Committee on the Judiciary.

By Mr. BUCKLER of Minnesota:

H. R. 8369. A bill authorizing a per capita payment of \$12.50 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation; to the Committee on Indian Affairs.

By Mr. COOLEY:

H. R. 8370. A bill to provide for a permanent rate of 3½ percent on land-bank loans and a permanent rate of 4 percent on commissioner loans; to the Committee on Agriculture.

By Mr. DISNEY:

H. R. 8371. A bill to authorize a preliminary examination and survey of Salt Creek of the Arkansas River and its tributaries in Osage County, in the State of Oklahoma, with a view to the control and conservation of its floods, and for other purposes; to the Committee on Flood Control.

By Mr. KELLER:

H. R. 8372. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Ill.; to the Committee on Interstate and Foreign Commerce.

H. R. 8373. A bill to amend section 79 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. IZAC:

H. R. 8374. A bill to give wartime rank while on active duty to certain retired commissioned officers, warrant officers, and enlisted men; to the Committee on Military Affairs.

By Mr. TINKHAM:

H. J. Res. 450. Joint resolution to provide for the withdrawal of membership of the United States in the Interna-

tional Labor Organization; to the Committee on Foreign Affairs.

By Mr. WHITE of Ohio:

H. J. Res. 451. Joint resolution providing for the observance of National Inventors' Day and National Advancement Week; to the Committee on the Judiciary.

By Mr. FISH:

H. J. Res. 452. Joint resolution to establish an international trade and credit market based on gold; to the Committee on Ways and Means.

By Mr. PLUMLEY:

H. Res. 380. Resolution expressing sentiments of House relative to granting exclusive license to foreign-owned air-transportation systems; to the Committee on Interstate and Foreign Commerce.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES of Massachusetts:

H. R. 8375. A bill for the relief of Caroline S. Bauer; to the Committee on Claims.

By Mr. DIMOND:

H. R. 8376. A bill for the relief of Agnes L. Reinert; to the Committee on Claims.

By Mr. KILDAY:

H. R. 8377. A bill for the relief of Thomas L. Boren; to the Committee on Military Affairs.

By Mr. LEA:

H. R. 8378. A bill for the relief of Filiberto A. Bonaventura; to the Committee on Immigration and Naturalization.

By Mr. LESINSKI:

H. R. 8379. A bill for the relief of Izaak Szaja Licht; to the Committee on Immigration and Naturalization.

By Mr. MAHON:

H. R. 8380. A bill for the relief of Douglas C. Pyle; to the Committee on Naval Affairs.

By Mr. MUNDT:

H. R. 8381. A bill for the relief of Henry Nyhouse; to the Committee on Claims.

H. R. 8382. A bill for the relief of Josephine Todd Moore; to the Committee on Invalid Pensions.

By Mr. MURDOCK of Arizona:

H. R. 8383. A bill granting an increase of pension to Frank J. Gillick, alias Frank J. Belyea; to the Committee on Pensions.

By Mr. PARSONS:

H. R. 8384. A bill granting a pension to Claud Stine; to the Committee on Invalid Pensions.

H. R. 8385. A bill granting a pension to James Hord; to the Committee on Invalid Pensions.

By Mr. REECE of Tennessee:

H. R. 8386. A bill granting a pension to Nettie Potter Stout; to the Committee on Invalid Pensions.

H. R. 8387. A bill granting a pension to Printha Ann Ownby; to the Committee on Invalid Pensions.

H. R. 8388. A bill granting a pension to Horace E. Ehle; to the Committee on Invalid Pensions.

By Mr. SMITH of West Virginia:

H. R. 8389. A bill granting a pension to Penira Williams Massey; to the Committee on Invalid Pensions.

By Mr. BLAND:

H. J. Res. 453. Joint resolution authorizing Capt. William Bowie, former Chief of the Division of Geodesy in the United States Coast and Geodetic Survey, Department of Commerce, to accept and wear the decoration of the Cross of Grand Officer of the Order of St. Sava; to the Committee on Merchant Marine and Fisheries.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6426. By Mr. FLAHERTY: Petition of the Massachusetts State Federation of Labor, Boston, Mass., opposing the Neely



anti-block-buying bill; to the Committee on Interstate and Foreign Commerce.

6427. Also, petition of the United Cement Finishers, Local Industrial Union 900, Boston, Mass., opposing the curtailment of appropriations for Work Projects Administration, National Youth Administration, United States Housing Authority, and Wage and Hour Division; to the Committee on Appropriations.

6428. Also, petition of the Massachusetts Dental Society, Boston, Mass., urging support of House bill 7865, to provide for the District of Columbia a modern dental law; to the Committee on the District of Columbia.

6429. Also, petition of the Women's International League for Peace and Freedom, Massachusetts branch, Boston, Mass., opposing anti-alien legislation; to the Committee on Immigration and Naturalization.

6430. By Mr. HANCOCK: Petition of Charles Hackenheimer and 155 other residents of Syracuse, N. Y., protesting against the levying of any excise or processing taxes on primary food products; to the Committee on Ways and Means.

6431. By Mr. KEOGH: Petition of Mrs. Francis Donaldson, State president, New York League of Women Voters, favoring the passage of the Ramspeck bill (H. R. 960); to the Committee on the Civil Service.

6432. Also, petition of the Merchants' Association of New York, concerning the Wheeler-Lea bill (S. 2009); to the Committee on Interstate and Foreign Commerce.

6433. Also, petition of the Manufacturing Retail Bakers' Association of the Eastern States, concerning the collecting of a processing tax on wheat; to the Committee on Ways and Means.

6434. Also, petition of the New York State League of Savings and Loan Associations, New York City, favoring the passage of House bill 6971; to the Committee on Banking and Currency.

6435. By Mr. MAHON: Petition of Lewis Owen, chairman of the Hockley County division of the Texas Agricultural Association and about 220 other citizens of Hockley County, Tex., seeking equitable adjustment of cotton-acreage allotments in Hockley County; to the Committee on Agriculture.

6436. By Mr. MERRITT: Resolution of the Flushing Manor Civic Association, requesting that legislation be enacted to equalize the interest rate on Federal Housing Authority mortgages, which would render recent change of Federal Housing Authority mortgages to become retroactive to the very inception of the Federal Housing Authority; to the Committee on Banking and Currency.

## SENATE

FRIDAY, FEBRUARY 9, 1940

(Legislative day of Wednesday, February 7, 1940)

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O Thou who art most pure, most wise, most holy, before whom angels veil their faces and saints confess their sinfulness: How shall we come before Thy presence save with a sense of our complete unworthiness? How trifling seem the things for which we strive; yea, the very thought of Thee makes all else seem poor. And though we be tied and bound with the chain of our sins, yet let the pitifulness of Thy great mercy loose us, that, with pure hearts and minds, we may serve Thee in the spirit and power of the blessed Christ, who was in all points tempted like as are we, yet without sin.

Speak to each one of us through the voice of stillness, reminding us of our high vocation, and at evening, when the day is done, lead us beyond the glory of the sunset to the gates of Thy high place, and let Thy peace come down upon us with the twilight and the stars as the benediction of a Father's love, through Jesus Christ, our Lord. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar

day Thursday, February 8, 1940, was dispensed with, and the Journal was approved.

### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4532) to make effective in the District Court of the United States for Puerto Rico rules promulgated by the Supreme Court of the United States governing pleading, practice, and procedure in the district courts of the United States.

The message also announced that the House had passed a bill (H. R. 8319) making appropriations for the Departments of State, Commerce, and Justice, and for the judiciary, for the fiscal year ending June 30, 1941, and for other purposes, in which it requested the concurrence of the Senate.

### ENROLLED BILL SIGNED

The message further announced that the Speaker pro tempore had affixed his signature to the enrolled bill (S. 2624) to amend the act of August 24, 1912 (37 Stat. 460), as amended, with regard to the limitation of cost upon the construction of buildings in national parks, and it was signed by the Vice President.

### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Frazier	La Follette	Schwartz
Andrews	George	Lee	Schwellenbach
Ashurst	Gerry	Lodge	Sheppard
Austin	Gibson	Lundeen	Shipstead
Bailey	Gillette	McCarran	Smathers
Barbour	Glass	McKellar	Smith
Barkley	Green	McNary	Stewart
Brown	Guffey	Maloney	Taft
Bulow	Gurney	Mead	Thomas, Idaho
Burke	Hale	Miller	Thomas, Okla.
Byrd	Harrison	Minton	Thomas, Utah
Byrnes	Hatch	Murray	Tobey
Capper	Hayden	Neely	Townsend
Caraway	Herring	Norris	Tydings
Chavez	Hill	O'Mahoney	Vandenberg
Clark, Idaho	Holman	Overton	Van Nuys
Clark, Mo.	Holt	Pepper	Wagner
Connally	Hughes	Pittman	Walsh
Danaher	Johnson, Calif.	Reed	Wheeler
Donaher	Johnson, Colo.	Reynolds	White
Ellender	King	Russell	Wiley

Mr. MINTON. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from Washington [Mr. BONE], the Senator from Kentucky [Mr. CHANDLER], the Senator from California [Mr. DOWNEY], and the Senator from Missouri [Mr. TRUMAN] are absent from the Senate because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Maryland [Mr. RADCLIFFE], and the Senators from Illinois [Mr. LUCAS and Mr. SLATTERY] are detained on important public business.

Mr. AUSTIN. I am requested to announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Pennsylvania [Mr. DAVIS], the Senator from North Dakota [Mr. NYE], and the Senator from Minnesota [Mr. SHIPSTEAD] are unavoidably detained.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

### TRIBUTE TO THE LATE SENATOR BORAH—RESOLUTION OF THE LEGISLATURE OF NEW YORK

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of New York, which was ordered to lie on the table:

STATE OF NEW YORK,  
IN ASSEMBLY,  
Albany, January 22, 1940.

By Mr. SHAW:  
Whereas the Legislature of the State of New York has learned with deepest sorrow of the death of the Honorable WILLIAM EDGAR BORAH, late United States Senator from the State of Idaho; and